

Tuesday, December 22, 2009

Obama falling short of bill-signing pledge

[Kara Rowland](#)

The White House in recent weeks took a step toward fulfilling one of President Obama's transparency pledges from the campaign by posting a link on its main Web site for Americans to comment on bills he's about to sign into law.

That still didn't help Mr. Obama keep his pledge when he signed two giant spending bills in the past five days.

Both the omnibus and the defense appropriations bills had been posted for just two days when the president signed them -- despite totaling more than \$1 trillion in combined discretionary spending and including billions of dollars in earmarks inserted by lawmakers for favored projects.

As he nears the end of his first year in office, Mr. Obama repeatedly has fallen short on his pledge to have all bills Congress sends to him posted and open for comments for at least five days before he decides to sign them.

A Washington Times analysis of data from the Library of Congress found that on 32 of the 117 bills he signed through Tuesday, Mr. Obama didn't wait the full five days after the bill reached his desk to pick up his pen.

In June, realizing they were falling short, White House officials altered their pledge. Spokesman Nick Shapiro told the New York Times that the administration would post a link to the Library of Congress Web site and start the five-day clock "once it is clear that a bill will be coming to the president's desk."

Yet even under those amended terms, the administration is still coming up short. A Cato Institute analysis finds that on 43 of the 117 bills Mr. Obama has signed, the White House

didn't even bother to post a link to the bill or allow comments. The administration disputes Cato's numbers.

Mr. Shapiro said at least some of the bills Cato lists were posted for comment but were dropped from the Web site when it was upgraded earlier this year.

Mr. Shapiro declined to comment for this article on how the White House views its performance in meeting the pledge, declined to provide numbers on how often since June it thinks it has met the modified pledge and declined to talk about how many comments it has received or how much influence the comments have on Mr. Obama.

"In order to continue providing the American people more transparency in government, once it is clear that a bill will be coming to the president's desk, the White House posts the bill online. This gives the American people a greater ability to review the bill, often many more than five days before the president signs it into law," Mr. Shapiro said.

Jim Harper, director of information policy studies at Cato, a libertarian think tank, said that by his calculations, only once in 117 bills has the White House posted legislation for at least five days once Congress passed it -- already a lower benchmark than after the bill is actually presented to the White House. That bill, to delay the digital television transition, was passed on Feb. 4 and posted the next day; it was passed on to Mr. Obama on Feb. 9, and he signed it two days later.

"It's not a very good average," Mr. Harper said. "A promise is a promise is a promise."

Mr. Obama made the transparency vow first as a candidate: "When there's a bill that ends up on my desk as president, you the public will have five days to look online and find out what's in it before I sign it, so that you know what your government's doing," he told an audience in Seattle in September 2008.

Then, when he was president-elect, Mr. Obama's Change.gov Web site pledged: "As president, Obama will not sign any non-emergency bill without giving the American public an opportunity to review and comment on the White House Web site for five days."

However, a review of every bill Mr. Obama has signed into law thus far shows that he has taken fewer than five days on 32 occasions, including on some of the most contentious pieces of legislation, many of which were not slated to take effect for months. Among those big bills on which the pledge wasn't fulfilled: the \$787 billion economic stimulus package, the Credit Cardholder's Bill of Rights, and the two catchall "omnibus" spending bills for fiscal years 2009 and 2010.

In the 85 instances when he waited more than five days, the bills were almost always U.S. post office designations or similarly noncontroversial legislation -- which, though they are non-emergency bills, the White House does not post.

The policy "doesn't apply to the scores of ceremonial bills such as the naming of federal buildings and post offices identified in this story," Mr. Shapiro said.

On 10 occasions, Mr. Obama signed the bill on the very same day he received it.

It's not clear that the comments, when received, have had any effect on Mr. Obama's positions -- he is expected to end the year without a veto.

Some advocates of government openness question the value of Mr. Obama's pledge overall.

"I don't think this is the most meaningful promise in the world," said John Wonderlich, policy director at the Sunlight Foundation, noting that requiring Congress to post bills online for the public 72 hours before a vote would be more valuable. "Still, they made a clear promise and aren't delivering on it."

It was only this month that the White House established a link on its main home page for users to comment on pending legislation. Before that, few people other than members of the White House staff likely were aware of bills being posted, Mr. Harper said.

"Technically, if you knew they had been presented and did a search on Whitehouse.gov, you could find them," he said. "But that doesn't help the average American."

Underscoring the inconsistency, the White House treated the two spending bills Mr. Obama signed during the last week differently. Consistent with their new practice, administration officials posted a link in the "pending legislation" section to the omnibus spending bill two days before the president signed it - but didn't post a link to the defense spending bill. The only way that could be found was if a user knew what to search for.

Mr. Shapiro said the pledge did not apply to the two recent spending bills because they were emergencies.

Though the administration allowed itself a loophole for emergency legislation, it's not clear that all of the 32 bills Mr. Obama rushed to sign could be described as such.

He signed the State Children's Health Insurance Program, or "S-CHIP," into law on the very day he received it -- Feb. 4 -- but it did not become effective until April 1. In another instance, he signed after two days a credit card bill that took effect nine months later and contained a

controversial provision allowing guns in some national parks.

Mr. Harper cited the stimulus package as an early example of when additional time for public review of legislation would have been beneficial. It was later learned that the law contained a much-criticized provision that effectively protected bonuses for executives at the faltering insurance giant American International Group Inc. despite a massive taxpayer bailout.

Mr. Shapiro would not comment on whether the policy to link to a bill as it is on its way to the president's desk still extends to emergency legislation.

Despite the missteps, both Mr. Harper of Cato and Mr. Wonderlich of the Sunlight Foundation said they were optimistic about the administration's ability to honor Mr. Obama's pledge.

"I think after failing to live up to the standard that they set so many times, it would be really easy for them to just not do it at all. So I take them seriously in that they still want to do this because, why would they even try at this point unless they thought it was the right thing to do," said Mr. Wonderlich, who added that he would grade the administration a B+ on its overall openness.

"A lot of what we've seen is a much stronger commitment and broader than really anyone has done before on this level, and it's going to take them a lot of work to follow through on it," he said, noting Mr. Obama's commitment for fuller release of White House visitor logs.

Now that the administration has a prominent link on its home page for voters to comment on pending bills, Mr. Harper predicted, "The wins will be racking up soon."

· **Ads by Google** 

[Obama Poll](#)

[Obama Tax Credit](#)

[Obama Campaign 2.0](#)

[Noticia Obama](#)

[Bush Bill](#)