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Obama ducks promise to delay bill signings

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It seemed among the easiest of his transparency pledges and is entirely under his control, but President Obama is finagling his promise to post bills on the White House Web site for comment for five days before he signs them.

Mr. Obama last week signed four bills, each just a day or two after Congress passed and sent it over to him.

The White House said it posted links from its Web site to Congress' legislative Web site about a week before Mr. Obama signed the measures, but transparency advocates say that doesn't match the president's pledge to give Americans time to comment on the final version he is about to sign.

"He didn't say, 'When there's a bill heading to my desk,' or 'When we're pretty sure a bill will soon be passed.' He said when a bill ends up on his desk - a strong implication that public review would follow the bill arriving at his desk," said Jim Harper, director of information policy studies at the Cato Institute.

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During the campaign and again during the transition, Mr. Obama said opening bills up for

public comment was a way of fighting back against special interests' control of the process.

"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," Mr. Obama said in a major campaign speech laying out his goals for transparency.

Mr. Harper said that to him, the pledge means putting a copy of the bill on www.whitehouse.gov and then waiting five days to allow comments to roll in.

"That's the only interpretation of this promise that delivers solid transparency," he said. "Posting a bill late in the process doesn't give the public a chance to review the final legislation - especially last-minute amendments, which are where a lot of congressional hijinks happen."

White House press secretary Robert Gibbs said the clock starts ticking when a link is posted to bills when they are in their final version, such as a conference report, even if they haven't passed Congress.

"A conference report, as you know, is an unamendable piece of legislation that has to be approved by both houses, language has to be simultaneous, it gets sent down here, and we sign it," he told reporters Friday.

But that was not the case for last week's bills, at least some of which weren't in their final form until a day or two before being sent to Mr. Obama.

In the case of a Defense Department weapons acquisition bill, the White House posted its link to the Library of Congress Web site, www.Thomas.gov, on May 14, even though the conference report wasn't done until May 20. Congress passed that bill on May 21 and Mr. Obama signed it the next day.

On the Credit Cardholders Bill of Rights Act, the White House posted a link to Congress on May 14, but the Senate didn't finish its work until May 19; the House agreed to the Senate's version on May 20, and Mr. Obama signed it two days later.

Speaking on the condition of anonymity, a White House official said the link to Congress' Web site allows readers to find every version of the bill and is more up-to-date.

"We link to Thomas pages that list the latest version, so once they were amended people could still read that latest version once it got posted, as opposed to us posting text that became outdated," the official said.

The link the White House posts goes to a list of bills in various stages of the process. In the case of the military procurement measure, the White House listed two bills winding their way through Congress, because it couldn't know which version would actually be presented.

Mr. Obama has exempted emergency bills from his promise and used that to justify his signing some major measures such as the stimulus spending bill before a full five days had elapsed. But there was no stated emergency for last week's bills.

"They're certainly not making it a priority to live up to the pledge," said John Wonderlich, policy director at the Sunlight Foundation.

Sunlight is pressing for a waiting period for Congress, to prevent instances like last week, when House and Senate negotiators filed their final version of the weapons acquisition bill and put it to a vote in the Senate the same day. The House voted on it the next day.

Mr. Wonderlich said Congress is where the actual changes to a bill can happen. By the time it gets to the president, he can only sign or veto it. In light of that, Mr. Wonderlich said, some transparency advocates have questioned the value of Mr. Obama's five-day pledge.

Mr. Harper, though, said the value will come if and when Mr. Obama enforces the rule.

"Members of Congress are very skilled political risk analyzers. When the president is enforcing this rule and they know their work is going to sit for five days before signing, they're going to know they can't slip in that last earmark," he said.

He pointed to the language that allowed American International Group executives to claim bonuses as an example. That language was added in the conference committee between House and Senate negotiators, at the very end of the legislative process.

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