

PLAIN LANGUAGE IN GOVERNMENT COMMUNICATIONS
ACT OF 2008

APRIL 10, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. WAXMAN, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 3548]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 3548) to enhance citizen access to Gov-
ernment information and services by establishing plain language as
the standard style for Government documents issued to the public,
and for other purposes, having considered the same, report favor-
ably thereon with an amendment and recommend that the bill as
amended do pass.

CONTENTS

	Page
Purpose and Summary	3
Background and Need for Legislation	3
Legislative History	3
Section-by-Section	4
Explanation of Amendments	5
Committee Consideration	5
Rollcall Votes	5
Application of Law to the Legislative Branch	6
Statement of Oversight Findings and Recommendations of the Committee	6
Statement of General Performance Goals and Objectives	6
Constitutional Authority Statement	6
Federal Advisory Committee Act	6
Unfunded Mandate Statement	6
Earmark Identification	6
Committee Estimate	6
Budget Authority and Congressional Budget Office Cost Estimate	7
Changes in Existing Law Made by the Bill, as Reported	8

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Plain Language in Government Communications Act of 2008”.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the Federal Government’s effectiveness and accountability to the public by promoting clear communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AGENCY.**—The term “agency” means an Executive agency, as that term is defined in section 105 of title 5, United States Code.

(2) **PLAIN LANGUAGE.**—The term “plain language” means language that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain language writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) **REQUIREMENT TO USE PLAIN LANGUAGE IN NEW DOCUMENTS.**—Within one year after the date of the enactment of this Act, each agency—

(1) shall use plain language in any covered document of the agency issued or substantially revised after the date of the enactment of this Act;

(2) may use plain language in any revision of a covered document issued on or before such date; and

(3) shall, to the maximum extent practicable, preserve and enhance the role of English by using the English language in all covered documents.

(b) **GUIDANCE.**—In implementing subsection (a), an agency may follow either the guidance of the Plain English Handbook, published by the Securities and Exchange Commission, or the Federal Plain Language Guidelines. If any agency has its own plain language guidance, the agency may use that guidance, as long as it is consistent with the Federal Plain Language Guidelines, the Plain English Handbook, published by the Securities and Exchange Commission, and the recommendations made by the Comptroller General under section 5(c).

(c) **ADDITIONAL PROVISIONS RELATING TO USE OF ENGLISH LANGUAGE.**—Nothing in this Act shall be construed—

(1) to prohibit the use of a language other than English;

(2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act);

(3) to disparage any language or discourage any person from learning or using a language; or

(4) to be inconsistent with the Constitution of the United States.

(d) **COVERED DOCUMENT.**—In this section, the term “covered document”—

(1) means any document that explains how to obtain a benefit or service or file taxes, or that is relevant to obtaining a benefit or service or filing taxes; and

(2) includes, whether in paper or electronic form, a letter, publication, form, notice, or instruction but does not include a regulation.

(e) **USE OF PLAIN LANGUAGE BY AGENCIES.**—Each agency should, to the extent practicable and appropriate, use plain language in any collection of information (as defined in section 3502(3)(A)(i) of title 44, United States Code).

(f) **INCORPORATION OF COMPTROLLER GENERAL RECOMMENDATIONS.**—Upon issuance of the report provided by the Comptroller General under section 5(c), the Federal Plain Language Guidelines and the Plain English Handbook published by the Securities and Exchange Commission shall be updated to incorporate the recommendations made by the Comptroller General.

SEC. 5. REPORTS TO CONGRESS.

(a) **INITIAL REPORT.**—Within six months after the date of the enactment of this Act, the head of each agency shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees to write in plain language.

(3) Meeting the deadline set forth in section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(6) Using, to the extent practicable and appropriate, plain language in regulations promulgated by the agency.

(b) **ANNUAL AND OTHER REPORTS.**—

(1) The head of each agency shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

- (A) compliance with this Act; and
- (B) the agency’s continued efforts to meet the objectives specified in subsection (a).

(2) A report under this subsection shall be submitted—

- (A) annually for the first two years after the date of the enactment of this Act; and
- (B) once every three years thereafter.

(c) EVALUATION AND REPORT BY COMPTROLLER GENERAL.—Within six months after the date of the enactment of this Act, the Comptroller General shall evaluate existing guidance for agencies on writing in plain language, including the guidance listed in section 4(b), and provide to the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report providing recommendations on—

- (1) plain language guidelines; and
- (2) best practices for plain language.

PURPOSE AND SUMMARY

H.R. 3548, the Plain Language in Government Communications Act of 2008, was introduced on September 17, 2007, by Reps. Bruce Braley, W. Todd Akin, Dan Burton, James McGovern, and Nancy Boyda. H.R. 3548 requires federal agencies to use plain language in government documents related to obtaining a service or a benefit.

BACKGROUND AND NEED FOR LEGISLATION

Government documents often can be complex and difficult to understand, particularly when they are not written clearly. To address this problem, President Clinton in 1998 issued a memorandum that, in part, required federal agencies to use plain language in all documents that explain how to obtain a benefit or service. This memorandum stated that “[b]y using plain language, we send a clear message about what the Government is doing, what it requires, and what services it offers. Plain language saves the Government and the private sector time, effort, and money.”

A few agencies still maintain plain language programs but efforts to promote plain language have waned. H.R. 3548 defines plain language and requires agencies to use plain language in any new document that explains how to obtain a service or a benefit or that is relevant to obtaining a service or a benefit. The bill ensures that many of the letters, forms, and other documents that people receive from the government will be written in a clear, understandable way. Under this bill, for example, the Social Security Administration would be required to use plain language in letters that provide beneficiaries information about Social Security.

LEGISLATIVE HISTORY

H.R. 3548 was introduced on September 17, 2007, and referred to the Committee on Oversight and Government Reform. The Subcommittee on Information Policy, Census, and National Archives considered H.R. 3548 on January 29, 2008, and approved the bill by voice vote. The Committee considered H.R. 3548 on March 13, 2008, and ordered H.R. 3548 to be reported, as amended, by a voice vote.

SECTION-BY-SECTION

Section 1. Short title

This section provides that the short title of H.R. 3548 is the “Plain Language in Government Communications Act of 2008.”

Section 2. Purpose

This section identifies the purpose of the bill as improving the federal government’s effectiveness and accountability to the public by promoting clear communication that the public can understand and use.

Section 3. Definitions

This section includes the following definitions:

The term “agency” means an Executive department, a government corporation, and an independent establishment; and

The term “plain language” means language that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain language writing.

Section 4. Responsibilities of federal agencies

Subsection (a) requires each agency, within one year of enactment, to use plain language in any covered document issued or substantially revised by the agency after the date of enactment and provides that agencies may use plain language in any revision of a covered document issued on or prior to the date of enactment. Subsection (a) also requires agencies to preserve the role of English to the maximum extent practicable by using the English language in covered documents. This section does not impact or affect protections regarding language access.

Subsection (b) provides that an agency may follow either the guidance of the Securities and Exchange Commission’s Plain English Handbook or the Federal Plain Language Guidelines. An agency may use its own plain language guidance as long as it is consistent with the Plain English Handbook, the Federal Plain Language Guidelines, and the recommendations of the Government Accountability Office (GAO) on plain language guidelines and best practices.

Subsection (c) clarifies that nothing in the Act is intended to: prohibit the use of a language other than English; limit the preservation or use of Native Alaskan or Native American languages; disparage any language or discourage any person from learning or using a language; or be inconsistent with the Constitution.

Subsection (d) defines “covered document” as any agency document that explains how to obtain a benefit or service or file taxes, or that is relevant to obtaining a benefit or service or filing taxes. A covered document includes a letter, publication, form, notice, or instruction but does not include a regulation.

Subsection (e) provides that each agency should, to the extent practicable and appropriate, use plain language in information collections under the Paperwork Reduction Act. This subsection is intended to encourage, but not require, agencies to write information collections in plain language.

Subsection (f) requires the Federal Plain Language Guidelines and the Plain English Handbook to be updated to incorporate GAO's recommendations once GAO issues the report required by section 5(c).

Section 5. Reports to Congress

Subsection (a) requires the head of each agency, within six months of enactment, to submit an initial report to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs describing how the agency intends to meet certain objectives. Those objectives are communicating the bill's requirements to agency employees, training agency employees to write in plain language, meeting the deadline set by section 4(a), ensuring ongoing compliance, designating a senior official to be responsible for implementation, and using, to the extent practicable and appropriate, plain language in regulations promulgated by the agency. Agencies are not required to write regulations in plain language.

Subsection (b) requires the head of each agency to submit to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs a report on the agency's compliance with the bill and efforts to meet the objectives described in subsection (a) annually for the first two years following enactment and then once every three years.

Subsection (c) requires GAO, within six months of enactment, to evaluate plain language guidance for agencies and provide to the Office of Management and Budget (OMB), the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs a report with recommendations on plain language guidelines and best practices for plain language.

EXPLANATION OF AMENDMENTS

The following amendments were adopted in Committee:

Mr. Braley offered an amendment, passed by voice vote, to clarify that documents relating to filing taxes are covered by the bill, to require GAO to evaluate existing plain language guidance and provide recommendations to Congress and OMB, and to require that GAO's recommendations be incorporated into the Federal Plain Language Guidelines and the Plain English Handbook.

Ms. Foxx offered an amendment, which passed by voice vote, to require agencies to preserve the role of English to the maximum extent practicable by using the English language in covered documents.

COMMITTEE CONSIDERATION

On Thursday, March 13, 2008, the Committee met in open session and favorably ordered H.R. 3548 to be reported to the House by a voice vote.

ROLLCALL VOTES

No rollcall votes were held.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations.

H.R. 3548 requires executive branch agencies to use plain language in certain government documents. This bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report, including the need for federal agencies to use plain language in government documents related to a service or benefit.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including requiring agencies to use plain language in government documents related to a service or benefit.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 3548. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 3548 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Com-

mittee of the costs that would be incurred in carrying out H.R. 3548. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3548 from the Director of the Congressional Budget Office:

APRIL 8, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3548, the Plain Language in Government Communications Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 3548—Plain Language in Government Communications Act of 2007

H.R. 3548 would amend federal law to require all federal agencies within one year to use plain language (clear and readily identifiable to the intended reader) in all documents, including letters, publications, and forms. The bill would encourage the use of plain language in federal data collection instruments and regulations. The legislation also would require the use of the English language to the maximum extent possible in all federal documents. Finally, H.R. 3548 would require each agency to designate a coordinator for its efforts to use plain language, review its compliance with the legislation, train employees to use plain language, and prepare reports to the Congress on compliance with the legislation.

CBO estimates that implementing H.R. 3548 would cost up to \$2 million a year for agencies to implement the additional employee training and reporting requirements, subject to the availability of appropriated funds. The bill could also affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration. CBO estimates, however, that any increase in spending by those agencies would not be significant.

Most provisions of the bill would codify and expand current practices of the federal government. Executive Order 12866 and the Presidential Memorandum on Plain Language (June 1, 1998) currently require government agencies to write in language that is

comprehensible to readers. Based on information from the Office of Management and Budget, CBO estimates that implementing this bill would not significantly increase the cost of preparing various paper or electronic documents used throughout the government.

H.R. 3548 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law in this bill.

