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March 16, 2012
Sen. Claire McCaskill
United States Senate

Dear Senator McCaskill,

The Center for American Progress is pleased to support the *Plain Writing Act for Regulations of 2012*, which would make it easier for the public and businesses to understand and comply with government rules. Your bill does this by extending to federal regulations the provisions of the Plain Writing Act of 2010, which requires non-regulatory communication to the public to be "clear, concise, well-organized," and presented in a way the public can understand and use.

Strong, sensible, federal regulations are important to our nation. Regulations keep rivers and lakes clean. They ensure that our food is safe and that our medicines are effective. They protect consumers from fraud and investors from cheats. But regulations must also be understandable to be effective. Else, they impose unneeded burdens on people and businesses.

Federal rules are all too often convoluted, or gratuitously ornamented with legalese, jargon, and opaque bureaucratic language. The good news is that better written rules can improve compliance and reduce errors. That, in turn, can lower enforcement and administrative costs, as Cass Sunstein, the administration's regulatory chief, has pointed out.

There's also a democratic imperative to requiring government rules be easily understandable. The principles of open government hold that the public has a right to know what government officials are doing, so we can hold them accountable. To do that, we must be able to understand the consequences of their actions—including the meaning of the regulations they author.

To be sure, regulations often deal with complex legal, technical and scientific issues that require specialized knowledge to understand and specialized language to be precise. It's important, therefore, that your bill emphasizes that its plain-writing mandate can't conflict or undermine existing laws governing the rulemaking process or administrative procedure.

The Center has been a vocal supporter of the original Plain Writing Act, and has argued for more effective disclosure of government rules and regulations. We've also called for actual "comprehensibility testing." The only way to know for certain whether a document is understandable is to test it on its intended audience. And the mixed record of past efforts at mandating "clear writing" in government communications underscores the challenge ahead.

That's why we're especially pleased that this bill requires the U.S. Government Accountability Office to annually survey a representative sample of people subject to major regulations and assess whether "plainly written" regulations are, in fact, more understandable. That information will help Congress provide effective oversight of this law—and it will help officials learn what works and what doesn't.

Thank you for your leadership on this important issue. This bill has real potential to make government more open, more effective and more trusted.

Sincerely,

Michael Ettlinger
Vice President for Economic Policy