

A Summary of the Plain Writing Act of 2010 (H.R. 946)

Timeline

February 10th, 2009 – Introduced

March 17th, 2010 – Passed by House (386 / 33)

September 27th – Passed by Senate (unanimous)

October 13th, 2010 – Signed by President Obama

Who introduced the bill

Representative Bruce Braley, an Iowa Democrat. It requires federal agencies to put into plain language any new or revised letters, publications, forms, notices, or instructions within one year of enactment of the bill.

Who will implement the bill

A person or committee in each federal agency.

Plain Writing Act summary

Changes within federal agencies

The head of each executive agency must:

1. Put 1+ senior agency officials in charge of implementing the Act,
2. Explain the Act's requirements to agency employees,
3. Train agency employees in plain writing,
4. Design a process to make sure the agency is complying with the Act,
5. Create and maintain a plain writing section of the agency's website that is accessible from its homepage, and
6. Choose 1+ agency employees to receive and respond to public feedback on their implementation of the Act.

The agency must publish a plan on their website to explain how they will comply with the Act. They must do this within 9 months of enactment. Every year after that, the agency must post a report explaining how they are complying with the Act.

Changes to agency documents

By one year after enactment, every agency must use plain writing in every covered document that the agency *issues or substantially revises* (anything new that they write, or anything that they rewrite).

"Covered document" means a document that:

- Relates to getting a federal benefit or service or filing taxes,
- Provides information about any federal benefit or service, and/or
- Explains to the public how to obey a requirement the federal government administers or enforces.

This includes letters, publications, forms, notices, and instructions, in paper or electronic form. It excludes regulations.

Guidance on how to implement the Act

The Act requires the Director of the Office of Management and Budget (OMB), within six months of enactment, to issue guidance on how to implement the Act. The Director can designate a lead agency and use interagency working groups to help develop and issue the guidance. Before the OMB director prepares this, agencies should use either the writing guidelines developed by the Plain Language Action and Information Network, or guidance from the agency head that is consistent with these guidelines.

Enforcement

There will be no judicial review of agencies' compliance with this Act. It will not be enforced, except by the individual agencies.

Sources:

<http://www.opencongress.org/bill/111-h946/show>

<http://www.govtrack.us/congress/bill.xpd?bill=h111-946>

Plain Writing Act Text:

An Act To enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

Section 1. Short Title.

This Act may be cited as the 'Plain Writing Act of 2010'.

Section 2. Purpose.

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

Section 3. Definitions.

In this Act:

- (1) **Agency** - The term 'agency' means an Executive agency, as defined under section 105 of title 5, United States Code.
- (2) **Covered document** - The term 'covered document'--
 - (A) means any document that--
 - (i) is necessary for obtaining any Federal Government benefit or service or filing taxes;
 - (ii) provides information about any Federal Government benefit or service; or
 - (iii) explains to the public how to comply with a requirement the Federal Government administers or enforces;
 - (B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and
 - (C) does not include a regulation.
- (3) **Plain Writing** - The term 'plain writing' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

Section 4. Responsibilities of Federal Agencies.

(a) Preparation for Implementation of Plain Writing Requirements-

- (1) IN GENERAL- Not later than 9 months after the date of enactment of this Act, the head of each agency shall--
 - (A) designate 1 or more senior officials within the agency to oversee the agency implementation of this Act;
 - (B) communicate the requirements of this Act to the employees of the agency;
 - (C) train employees of the agency in plain writing;
 - (D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this Act;
 - (E) create and maintain a plain writing section of the agency's website as required under paragraph (2) that is accessible from the homepage of the agency's website; and
 - (F) designate 1 or more agency points-of-contact to receive and respond to public input on--
 - (i) agency implementation of this Act; and
 - (ii) the agency reports required under section 5.

(2) WEBSITE- The plain writing section described under paragraph (1)(E) shall--

- (A) inform the public of agency compliance with the requirements of this Act; and
- (B) provide a mechanism for the agency to receive and respond to public input on--
 - (i) agency implementation of this Act; and
 - (ii) the agency reports required under section 5.

(b) Requirement to Use Plain Writing in New Documents- Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) Guidance-

- (1) IN GENERAL- Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.
- (2) INTERIM GUIDANCE- Before the issuance of guidance under paragraph (1), agencies may follow the guidance of--
 - (A) the writing guidelines developed by the Plain Language Action and Information Network; or
 - (B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

Section 5. Reports to Congress.

- (a) Initial Report- Not later than 9 months after the date of enactment of this Act, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this Act.
- (b) Annual Compliance Report- Not later than 18 months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this Act.

Section 6. Judicial Review and Enforceability.

- (a) Judicial Review- There shall be no judicial review of compliance or noncompliance with any provision of this Act.
- (b) Enforceability- No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

Section 7. Budgetary Effects of Paygo Legislation for this Act.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.