

Calendar No. 321

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 946**

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 2010

Received; read twice and placed on the calendar

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**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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” means an  
4 Executive agency, as defined under section 105 of  
5 title 5, United States Code.

6 (2) COVERED DOCUMENT.—The term “covered  
7 document”—

8 (A) means any document that—

9 (i) is relevant to obtaining any Fed-  
10 eral Government benefit or service or filing  
11 taxes;

12 (ii) provides information about any  
13 Federal Government benefit or service; or

14 (iii) explains to the public how to com-  
15 ply with a requirement the Federal Gov-  
16 ernment administers or enforces;

17 (B) includes (whether in paper or elec-  
18 tronic form) a letter, publication, form, notice,  
19 or instruction; and

20 (C) does not include a regulation.

21 (3) PLAIN WRITING.—The term “plain writing”  
22 means writing that the intended audience can read-  
23 ily understand and use because that writing is clear,  
24 concise, well-organized, and follows other best prac-  
25 tices of plain writing.

1 **SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.**

2 (a) PREPARATION FOR IMPLEMENTATION OF PLAIN  
3 WRITING REQUIREMENTS.—

4 (1) IN GENERAL.—Not later than 9 months  
5 after the date of enactment of this Act, the head of  
6 each agency shall—

7 (A) designate 1 or more senior officials  
8 within the agency to oversee the agency imple-  
9 mentation of this Act;

10 (B) communicate the requirements of this  
11 Act to the employees of the agency;

12 (C) train employees of the agency in plain  
13 writing;

14 (D) establish a process for overseeing the  
15 ongoing compliance of the agency with the re-  
16 quirements of this Act;

17 (E) create and maintain a plain writing  
18 section of the agency's website that is accessible  
19 from the homepage of the agency's website; and

20 (F) designate 1 or more agency points-of-  
21 contact to receive and respond to public input  
22 on—

23 (i) agency implementation of this Act;

24 and

25 (ii) the agency reports required under  
26 section 5.

1           (2) WEBSITE.—The plain writing section de-  
2           scribed under paragraph (1)(E) shall—

3                   (A) inform the public of agency compliance  
4                   with the requirements of this Act; and

5                   (B) provide a mechanism for the agency to  
6                   receive and respond to public input on—

7                           (i) agency implementation of this Act;

8                           and

9                           (ii) the agency reports required under  
10                          section 5.

11           (b) REQUIREMENT TO USE PLAIN WRITING IN NEW  
12           DOCUMENTS.—Beginning not later than 1 year after the  
13           date of enactment of this Act, each agency shall use plain  
14           writing in every covered document of the agency that the  
15           agency issues or substantially revises.

16           (c) GUIDANCE.—

17                   (1) IN GENERAL.—Not later than 6 months  
18                   after the date of enactment of this Act, the Director  
19                   of the Office of Management and Budget shall de-  
20                   velop and issue guidance on implementing the re-  
21                   quirements of this section. The Director may des-  
22                   ignate a lead agency, and may use interagency work-  
23                   ing groups to assist in developing and issuing the  
24                   guidance.

1           (2) INTERIM GUIDANCE.—Before the issuance  
2           of guidance under paragraph (1), agencies may fol-  
3           low the guidance of—

4                   (A) the writing guidelines developed by the  
5           Plain Language Action and Information Net-  
6           work; or

7                   (B) guidance provided by the head of the  
8           agency that is consistent with the guidelines re-  
9           ferred to in subparagraph (A).

10 **SEC. 5. REPORTS TO CONGRESS.**

11           (a) INITIAL REPORT.—Not later than 9 months after  
12           the date of enactment of this Act, the head of each agency  
13           shall publish on the plain writing section of the agency’s  
14           website a report that describes the agency plan for compli-  
15           ance with the requirements of this Act.

16           (b) ANNUAL COMPLIANCE REPORT.—Not later than  
17           18 months after the date of enactment of this Act, and  
18           annually thereafter, the head of each agency shall publish  
19           on the plain writing section of the agency’s website a re-  
20           port on agency compliance with the requirements of this  
21           Act.

22 **SEC. 6. JUDICIAL REVIEW AND ENFORCEABILITY.**

23           (a) JUDICIAL REVIEW.—There shall be no judicial re-  
24           view of compliance or noncompliance with any provision  
25           of this Act.

1 (b) ENFORCEABILITY.—No provision of this Act shall  
2 be construed to create any right or benefit, substantive  
3 or procedural, enforceable by any administrative or judi-  
4 cial action.

5 **SEC. 7. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR**  
6 **THIS ACT.**

7 The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the House Budget Committee, pro-  
13 vided that such statement has been submitted prior to the  
14 vote on passage.

Passed the House of Representatives March 17,  
2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*



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