

112TH CONGRESS  
2D SESSION

# H. R. 3786

To ensure clarity of regulations to improve the effectiveness of Federal regulatory programs while decreasing burdens on the regulated public.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2012

Mr. BRALEY of Iowa introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure clarity of regulations to improve the effectiveness of Federal regulatory programs while decreasing burdens on the regulated public.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be referred to as the “Plain Regula-  
5       tions Act of 2012”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to improve the effective-  
8       ness and accountability of Federal agencies to the public

1 by promoting clear regulations that are easier for the Gov-  
2 ernment to implement and for the public to comply with.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) AGENCY.—The term “agency” means an  
6 Executive agency, as that term is defined in section  
7 105 of title 5, United States Code.

8 (2) REGULATION.—The term “regulation”  
9 means a rule, as that term is defined in section  
10 551(4) of title 5, United States Code, that is issued  
11 by an agency.

12 (3) PLAIN LANGUAGE.—The term “plain lan-  
13 guage” means language that is clear, concise, well-  
14 organized, and follows other best practices appro-  
15 priate to the subject or field and intended audience.

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

17 (a) PREPARATION FOR IMPLEMENTATION OF PLAIN  
18 WRITING REQUIREMENTS FOR REGULATIONS.—

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

22 (A) designate one or more senior officials  
23 within the agency to oversee the agency imple-  
24 mentation of this Act;

1 (B) communicate the requirements of this  
2 Act to the employees of the agency;

3 (C) train employees of the agency to use  
4 plain language in developing and implementing  
5 regulations;

6 (D) establish a process for overseeing the  
7 ongoing compliance of the agency with the re-  
8 quirements of this Act; and

9 (E) designate one or more agency points-  
10 of-contact to receive and respond to public  
11 input on—

12 (i) agency implementation of this Act;

13 and

14 (ii) the agency reports required under  
15 section 6.

16 (2) PERSONS DESIGNATED.—Persons des-  
17 igned under paragraph (1)(A) or (1)(E) may be  
18 the same persons designated to carry out similar  
19 functions under the Plain Writing Act of 2010 (Pub-  
20 lic Law 111–272; 5 U.S.C. 301 note).

21 (b) REQUIREMENT TO USE PLAIN LANGUAGE IN  
22 NEW AND REVISED REGULATIONS.—Not later than 12  
23 months after the date of the enactment of this Act, each  
24 agency shall use plain language in accordance with the  
25 guidance issued by the Director of the Office of Manage-

1 ment and Budget under the Plain Writing Act of 2010  
2 (Public Law 111–274; 5 U.S.C. 301 note) in all new and  
3 substantially revised proposed and final regulations issued  
4 by the agency.

5 (c) CERTIFICATION OF COMPLIANCE.—For each pro-  
6 posed or final rule issued by an agency, the head of the  
7 agency shall certify to the Director that the agency head  
8 has read the proposed or final rule and that the rule-  
9 making documents are in plain language.

10 (d) EXEMPTION FROM CERTAIN INFORMATION COL-  
11 LECTION PROVISIONS.—Agency actions to collect informa-  
12 tion from the public about a regulation are exempt from  
13 the information collection provisions of sections 3506(c)  
14 and 3507 of title 44, United States Code, if the agency  
15 head certifies that the sole reason for the information col-  
16 lection is to improve the clarity of the regulation under  
17 the requirements of this Act.

18 **SEC. 5. RESPONSIBILITIES OF OFFICE OF MANAGEMENT**  
19 **AND BUDGET.**

20 (a) GUIDANCE.—Not later than 6 months after the  
21 date of the enactment of this Act, the Director of the Of-  
22 fice of Management and Budget should develop and issue  
23 guidance on implementing the requirements of this Act.  
24 The Director may designate a lead agency, and may use

1 interagency working groups to assist in developing and  
2 issuing the guidance.

3 (b) RETURN OF REGULATIONS.—If the Director  
4 finds that, with respect to any regulation proposed to be  
5 issued by an agency, the agency did not follow the guid-  
6 ance issued by the Director under the Plain Writing Act  
7 of 2010 (Public Law 111–274; 5 U.S.C. 301 note), the  
8 Director shall return the regulation to the agency to be  
9 redrafted in plain language and resubmitted to the Direc-  
10 tor for approval.

11 (c) PUBLICATION OF CERTIFICATIONS.—The Direc-  
12 tor shall publish the certifications from agency heads re-  
13 quired under section 4(c) on the official Web site of the  
14 Office of Management and Budget.

15 **SEC. 6. REPORTS TO CONGRESS.**

16 (a) INITIAL REPORT.—Not later than 9 months after  
17 the date of the enactment of this Act, the head of each  
18 agency shall publish on the plain writing section of the  
19 agency’s Web site created under the Plain Writing Act of  
20 2010 (Public Law 111–274; 5 U.S.C. 301 note) a report  
21 that describes the agency plan for compliance with the re-  
22 quirements of this Act.

23 (b) ANNUAL COMPLIANCE REPORT.—Not later than  
24 18 months after the date of the enactment of this Act,  
25 and annually thereafter, the head of each agency shall

1 publish on such plain writing section of the agency's Web  
2 site a report on agency compliance with the requirements  
3 of this Act.

4 **SEC. 7. JUDICIAL REVIEW AND ENFORCEABILITY.**

5 (a) JUDICIAL REVIEW.—There may be no judicial re-  
6 view of compliance or noncompliance with any provision  
7 of this Act.

8 (b) ENFORCEABILITY.—No provision of this Act may  
9 be construed to create any right or benefit, substantive  
10 or procedural, enforceable by any administrative or judi-  
11 cial action.

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