

service of 22 years on the governing board of the South Coast Air Quality Management District. Our desert community attracts residents and visitors through its natural beauty, hiking trails and mountainous views. Through Roy Wilson's leadership, he truly helped preserve the health and well-being of our unique environment.

In recent years, as our County faced significant financial challenges, Roy moved to rein in spending in order to help improve the budget—difficult, but necessary in these financially troubling times.

The many capacities in which Roy worked to the betterment of our community are clear, but his humble leadership is what truly made him so unique and effective. Roy was able to engage in both sides of any discussion and truly earned the trust and respect of many local residents and leaders.

As a cherished member of our community, where many residents called him a friend and neighbor, this postal naming would be a special tribute to the late Supervisor Roy Wilson.

I ask that my colleagues join me in honoring this exceptional man and helping me and residents living in our community honor his life and legacy.

I'd like to thank Subcommittee Chairman LYNCH and Ranking Member CHAFFETZ for their help in moving this bill forward.

Mr. BILBRAY. Madam Speaker, in the spirit of cooperation with the leadership, I will at this time yield back my time, and I ask for support of the bill.

Mr. CLAY. I thank my friend from California (Mr. BILBRAY) for joining me in urging our colleagues to recognize the life and work of Roy Wilson by supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4214.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 946) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 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.

SEC. 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 relevant to 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 the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 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 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).

SEC. 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.

SEC. 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.

SEC. 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. In recognition of Sunshine Week, today we are considering H.R. 946, legislation aimed at making the government more open and accessible. H.R. 946, the Plain Language Act, was introduced by Representative BRUCE BRALEY of Iowa. This bill requires agencies to use plain writing in government documents.

The administration recently issued a directive on open government. One of the simple principles of the directive is that information should be accessible. This is the aim of this bill. This bill will make information more accessible by requiring agencies to write documents in a way that is clear and easily understood. We often focus on the need to make information available, but even if the information is available, it isn't useful unless it can be understood.

AARP wrote a letter supporting this bill. And it says, "the use of plain language in documents issued to the public will save the Federal Government

an enormous amount of time now spent helping citizens understand the correspondence they receive. It will also reduce errors in the public's response to the information the government sends out, as well as minimize complaints from frustrated citizens trying to decipher overly dense and nontransparent communications."

Madam Speaker, I urge my colleagues to support this worthy bill.

I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I rise in support of the bill. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to join with my colleague from Missouri in supporting this bill. I really think that we need to see more bills like this. Plain language sounds so simple, but for so long the American people have been asking for Washington to do what it tells everyone else to do, and that is reform itself. You shouldn't have to hire a lawyer to be able to understand what the government is telling you or doing, and sadly that has been historically the fact. And I want to thank the author of this bill for bringing this forward.

I hope that this is the beginning of the melting of the gridlock of always trying to not change the way Washington operates. I hope this is the beginning of saying, before we ask the private citizens to change the way they live their lifestyle, the way they act, before we start asking the private sector to reform their way of operation, we should lead through example by changing the way Washington operates and the way the Federal Government relates not just to its services but to its constituency. And I think this bill does that.

I think one of the greatest frustrations that we find in the American people today is the fact that they feel that Washington is disconnected. And a bill like this points out how disconnected, that when we can't even send out notices to inform our citizens of what is going on, what they need to do, or what is possible—we can't even do it in plain language. We have to do it in a legalese that may sound good here in Washington, but it is not understood out in the real streets of America.

So I ask my colleagues, again, to use this as an example of just the first of many. And so we can look at not just reforming how we communicate, but how we govern, how we represent, and how we tell the American people we really do finally care enough to change the way we are operating, and that for once, Washington is going to lead through example rather than edict.

I would again compliment the author and the Representative of the majority for bringing this forward.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield to the chief sponsor of this legislation, my friend from Iowa, Representative BRALEY, as much time as he may consume.

Mr. BRALEY of Iowa. I thank my friend from Missouri for giving me time to speak on this bill. I thank my colleague from California for his impassioned support of this bill, because I believe this is the little-engine-that-could in terms of how we change the way that the Federal Government communicates with American citizens. And I think the people would find it surprising to know that somebody who spent his life practicing law would be introducing this bill. But the amazing thing is I was introduced to the concept of plain language in the Iowa Supreme Court's 1983 decision requiring all jury instructions to be written in plain language so that people could understand how their laws impact things.

That's why this bill is so important, because it gives the government the responsibility to communicate effectively with the citizens that we serve.

One of the things that is so amazing is that when you look at most government publications, you would think they were not written for their intended audience. And that is the basic premise of the plain language movement. It's when you write, you think about your intended audience and how you communicate effectively with them in words they can understand.

□ 1400

This bill requires the Federal Government to write documents, such as letters from the Social Security Administration, notices from the Department of Veterans Affairs, in simple, easy-to-understand language.

When I first introduced this bill in the 110th Congress, I was pleased when it passed the House floor by a vote of 376-1. Unfortunately, it was never taken up by the Senate. I am hopeful and confident that this time around it will be considered by the Senate and signed into law so that the public will get the kind of government service they deserve.

As my colleague has pointed out, a large array of organizations who deal with our constituents that are impacted by Federal policies support this movement. And I want to thank the Oversight and Government Reform chairman, my colleague, ED TOWNS, and Ranking Member DARRELL ISSA for their support of this important bill and also thank Oversight Government Reform staffer Krista Boyd for all of her help in making this happen.

Anyone who has done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is no reason why this bill can't eliminate Federal gobbledygook. And we can honor our friend and former colleague, Maury Maverick, Sr., who coined the phrase "gobbledygook" in describing bureaucratic language that is as hard to understand as the call of wild turkeys in his native Texas.

I would also remind my colleagues that this plain language in government communications has been incorporated

into the Senate-passed health care bill, it was incorporated into the House-passed health care bill, and it is important that we move forward from this point in changing the way that government speaks to its citizens.

Mr. BILBRAY. Madam Speaker, I yield myself such time as I may consume.

Again, I would like to thank the author. And let me clarify: there are many of us who could explain what the turkeys are talking about in Texas, but I don't think it is appropriate on this floor.

But I have to say that you are right, so much of this documentation is written where the public can't understand it. And, to be blunt about it, as somebody who has worked in government since I was 24, they don't want the public to understand. They purposely think that legalese and elite discussion and text is some way to be able to safeguard traditional government structures; and I think that this breaks down that, and I think you would agree.

I will say this as a former mayor. If a city manager sent out a letter to a constituent of a mayor or city council member in the manner that the Federal Government sends it out, that city manager wouldn't be employed for very long. I think that is the same standard that we should hold for the Federal Government. If it isn't appropriate for our council members or mayors or our school district representatives to send out those kinds of information, to have that kind of relationship between the constituency and the taxpayer and the government, then, doggone it, it shouldn't be appropriate for the Federal Government to think that somehow we are so high and mighty that we can't break down and finally start using plain speech and straight talk. And I think that is what your bill starts with, and I think it is a step in the right direction. I just hope to see us follow through.

And I will say this personally: my wife is a tax consultant, and I would love to see the day that we make the IRS and tax consultants obsolete so I can see more of my wife during certain times, put them both out of business. And maybe this is one step there.

I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I think you have hit on a very important point and, that is, we don't realize how much time and money are wasted by people trying to figure out forms that they can't understand. They call Federal agencies, they go into phone trees where they go on hold and they wait and wait and wait. This can be small business owners. It can be elected officials at the level that you are talking about, because a lot of the policy we set intersects with local and State government agencies. And, because of that, by improving the quality of information we are providing at the outset, it is going to greatly reduce the demands on many Federal employees.

And that is another side effect of this legislation.

I can't agree more with you that it is important to take this step now so that we can start to send a message that we are serious about improved transparency in our communications with our constituents, and I think that it is great that we are moving forward in a bipartisan step to do that.

Mr. BILBRAY. Reclaiming my time, I would actually even ask the gentleman to take a look at the fact that it is sad that in the United States, that if you go to the translated interpretations of our government regs, they tend to be much more simply put and much easier to understand than the so-called English legalese that is being put out there. So I think the challenge is really one that is long and weighty, and so I thank you very much for it.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are gently reminded to address their remarks to the Chair.

Mr. CLAY. Madam Speaker, I would like to now yield 3 minutes to the distinguished chairman of the House Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Madam Speaker, I would like to first thank the chair of the subcommittee, and of course the ranking member of the full committee, Congressman ISSA, and of course Congressman CLAY who chairs the subcommittee, and Congressman BILBRAY who is the ranking member of the subcommittee, and Congressman BRALEY who was really responsible for us being here today to move this legislation forward.

This is Sunshine Week, and this is sunshine legislation. This bill requires government documents to be in plain writing. The bill defines plain writing as writing that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain writing.

Requiring government documents to be written clearly will make it easier for Americans to understand government communications, and it will make the Federal Government more accountable.

President Clinton issued a memo in 1998 directing the agencies to write documents in plain language. Twelve years have passed since that memo was written, and most agencies are still not taking the issue very seriously. But I think this legislation will let them know that this is something that we are not going to walk away from. It is important that they follow through.

In a letter supporting this bill, the American College of Physicians Foundation wrote: "We frequently hear from our members that they have trouble understanding some government letters and forms. Our intent is to ensure that government documents cre-

ated for consumers are clearly and plainly written."

H.R. 946 was amended during committee consideration to focus the scope of the bill on the type of documents that are most in need of attention. As amended, the bill requires agencies to use plain writing in documents that deal with the Federal benefits or services. This means, for example, that the Department of Health and Human Services will have to use plain writing when it issues instructions under the Medicare prescription drug program; and I think that is so important.

The bill also requires the IRS to write tax documents in plain writing, and it requires agencies to use plain writing in documents that explain how to comply with the Federal requirements. This will make it easier for Americans, especially small businesses, to comply with the law.

In a letter supporting H.R. 946, a group of small business organizations wrote: "Small business owners strive to adhere to a vast array of Federal obligations but often have difficulty deciphering what is being required of them."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAY. Madam Speaker, I yield an additional 30 seconds.

Mr. TOWNS. The use of plain language is a commonsense approach to saving the Federal Government money, and small business owners time, effort, and money. This legislation makes good sense, it is good government, and I encourage my colleagues to support it.

Mr. BILBRAY. Madam Speaker, I yield myself such time as I may consume.

I just want to use this instance to thank Chairman TOWNS. At a time when the American people are crying out for bipartisan effort, I think his leadership on a very critical committee, the Oversight Committee, has been stellar in a manner that the rest of America I think would love to see the rest of this town operate as well as your committee does, Mr. Chairman. And thank you very much for that bipartisan effort, including everyone in the process.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I am prepared to close.

Mr. BILBRAY. Madam Speaker, I yield myself such time as I may consume.

Again, I call on all of us to vote together to support this bill and to use it as a marker for more progress at clarifying and opening up the government process and allowing the average citizen to participate. And the only way to do that is for Washington to change the way we do business.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, in closing, let me first thank the gentleman from California for his comments and remarks about common sense and disclosure.

The bill requires each agency to train its employees in plain writing and to report annually on the agency's efforts to comply with this act.

Under this bill, each agency must devote a section of its Web site to its plain writing efforts. Agencies also must provide a way for members of the public to provide input. This will allow small businesses or other members of the public to highlight particular documents that are complex or confusing. This bill will make the government more transparent and efficient, and I urge my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 946, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1387) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Message Preservation Act".

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

"§ 2911. Electronic messages

"(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches;

"(3) establish mandatory minimum functional requirements for electronic records