

Plain Writing Act of 2010
Department of Justice Implementation
First Annual Compliance Report
April 13, 2012

Since January 31, 2011, the roughly 40 individual offices, boards, divisions and component agencies of the Department of Justice have been engaged in implementing the requirements of the Plain Writing Act of 2010. <http://www.gpo.gov/fdsys/pkg/PLAW-111publ274/pdf/PLAW-111publ274.pdf> Broadly, the Act requires that any newly created or substantially revised documents intended for public readership must be written in plain language.

As described in guidance from the Office of Management and Budget, “Plain writing is concise, simple, meaningful and well-organized. It avoids jargon, redundancy, ambiguity and obscurity. It does not contain unnecessary complexity.”
<http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-15.pdf>

Documents covered by the Act were interpreted broadly by the OMB guidance, and include forms, letters, posters and websites. More specifically, the Act covered:

- Documents necessary for obtaining any federal government benefit or service, or filing taxes.
- Documents that provide information about any federal government benefit or service.
- Documents that explain to the public how to comply with a requirement that the federal government administers or enforces.

Over the course of 2011, the Department’s components individually surveyed their own published documents and determined which ones fell under the Act’s requirements. They then analyzed whether those documents were already written in plain language and took steps to comply with the Act when necessary. Finally, each component determined which of its employees needed plain language training, and their training officers developed training plans.

Although Deputy Assistant Attorney General Michael Allen was named senior official in charge of implementing the Act, the Department followed a decentralized process because the individual components are in the best position to determine which of their documents are relevant, and which of their employees need training.

By the October 13, 2011 deadline, the Department had created a new web page for the public to assess its compliance with the Act. <http://www.justice.gov/open/plainlanguage.html>

As of April 13, 2012, Department components reported that they are continuing to comply with the Act's requirements. A few components asserted that they do not publish any documents covered by the Act. Several components reported that they continue to believe that any relevant documents are already written in plain language. More detailed reports from several components follow.

Antitrust Division

Internet Website Compliance

The following public documents that are widely used were reviewed and adjusted, as needed, to a plain language format:

- “Antitrust Laws and You” :
<http://www.justice.gov/atr/about/antitrust-laws.html>
- Antitrust Enforcement and the Consumer “brochure”:
http://www.justice.gov/atr/public/div_stats/276198.pdf
- “Reporting Antitrust Concerns”:
<http://www.justice.gov/atr/contact/newcase.html>
- Business Review Documents:
<http://www.justice.gov/atr/public/busreview/276833.pdf>
- Disaster Recovery Reporting:
<http://www.justice.gov/atr/public/criminal/disaster.html#conduct>

Division Staff Training

The Division hosted the following extremely informative and participatory courses on Plain Writing:

- Plain Language Training offered by the Plain Language Action and Information Network aka PLAIN (www.plainlanguage.gov), which has been designated by OMB as the official interagency working group to assist us in complying with the Act. (50 total participants)
 - August 31, 2011
 - November 15, 2011 (*Encore Presentation*)
 - December 8, 2011 (Offered in-person and to Field Offices via video Conference) *Encore Presentation*

- Plain Language Writing for the Web (8 total participants) August 31, 2011

Internal Division Documents

To help promote a culture of Plain Writing, we've initiated a conversion of frequently used Division Directives, memos and announcements to a plain language format. The following Division documents have been revised and posted internally to familiarize staff with the plain language form of writing:

Directive

The Dismissal or Closing Procedures Directive

Memos and announcements

Rating Calls –mid-year and regular

Performance Management Announcement

Telework Option for Preparation of Ratings and Work Plans

W-2 Statement announcement

Leave Restoration and Reminder Announcements

Voting Announcement

LifeCare announcement

Career Diversity Leadership Forum Announcements

Bureau of Prisons

The Bureau of Prisons monitors information provided to the public to ensure publications, brochures, and other documents are in compliance with the Plain Writing Act. Additionally, a new initiative was implemented in 2012 through which subject matter experts review their content on bop.gov on a quarterly basis to ensure information is written in plain language that is easy to understand.

Civil Division

The Civil Division has made substantial progress in implementing some, but not all, of the key elements of the Act. The elements are summarized below.

Designate a senior official for plain writing.

We have designated our Executive Officer as the senior official for plain writing.

Explain the Act's requirements to staff.

We provided summary information about the Act's requirements to our employees via our branch directors in August 2011.

Establish a procedure to oversee the implementation of the Act.

We developed a Plain Writing Training Plan in July 2011. See Attachment 1.

Train agency staff in plain writing.

We provided training to 75 employees. This group included senior managers as well as those responsible for the aspects of the Civil Division's operations that involve information distributed to the public: Civil Division internet page, employment opportunity postings, the September 11th Victim Compensation Program, the Radiation Exposure Compensation Program, responses to citizen inquiries, and publications intended for the general public.

Designate staff as points of contact.

Although we have informal points of contact in each relevant office, the point of contact arrangement needs to be formalized and published.

Post the compliance plan on the division's web page.

This has not yet been completed.

Civil Rights Division

The Civil Rights Division has taken the following steps to comply with the requirements of the Plain Writing Act ("the Act"):

- CRT's Professional Development Office (PDO) notified section managers of the Act's requirements and requested the names of all employees who write documents intended for the public;
- PDO informed all section managers that employees covered by the Act should watch the plain writing training videos available on JTN or take the online training available through www.plainlanguage.gov ;
- Jessica Ginsburg, Director, PDO, participates in the Plain Language Network (PLAIN) and attended PLAIN's train-the-trainer course in summer 2011 so that she could incorporate plain language principles into CRT's training programs;
- In 2011, PDO incorporated information about the Act and a discussion of plain language principles into several training programs, including New Supervisor training and Attorney Orientation; and,
- In 2012, PDO will continue to incorporate information about the Act and discuss plain language principles on an on-going basis.

The Office of Community Oriented Policing Services (COPS)

We move forward with creating a Plain Writing Act section on the COPS Intranet. This site would include information on the Act, a copy of the Federal Plain Language Guidelines, as well as other resources and tools. We will also encourage our web developers to use the web content checklist and all users will have the checklist of plain-language elements at their disposal.

We will encourage that staff take the on-line training course that NIH has developed.

Once our Plain Writing Act site is fully developed and the NIH training module is in place, we will move toward with ensuring the office is using plain language in any document that falls under the requirements of the Act.

Criminal Division

The Criminal Division has alerted its employees to the requirement that any documents newly created or substantially altered that are intended to communicate with the public must be written in plain language. The Division has and will continue to work to comply with this direction.

Specifically, last October, we sent out an email to our training points-of-contact regarding the Act and asked them to identify who needed to take the training. The email also included various training options, such as the NIH on-line and Office of Legal Education Video On Demand “Plain Language” offerings. In December, a checklist of mandatory training sent to the training officers also included the Plain Writing Act requirement.

We will continue to look at this issue to make sure that the employees that are writing products for public consumption are properly trained in this new requirement.

Drug Enforcement Administration (DEA)

DEA is in compliance with this Act. Many of our documents were already in plain language or have been converted. A few documents could not be revised, due to legal issues. Also, DEA is updating two manuals and will try to make the language as plain as possible. Please note that one of them (Chemical Handlers manual) is extremely technical. A document list is attached. See Appendix II.

Executive Office for United States Attorneys (EOUSA)

In accordance with the Plain Writing Act of 2010, EOUSA has reviewed pertinent public documents for compliance with the requirements of the Act. To our knowledge all new documents or any substantially revised documents created since the Act are written in plain language and are in compliance with the Act. In addition, EOUSA has made training available to all 94 U.S. Attorneys’ Offices through video-on-demand so they may identify and train any employees who write documents for public consumption to ensure compliance with the Act. EOUSA has also incorporated the plain writing training into mandatory training procedures.

Federal Bureau of Investigation (FBI)

Within the FBI, we have communicated the Plain Writing Act and its requirements to all divisions, along with the expectation that any new public documents comply with its tenets. The FBI's Office of Public Affairs which, in terms of sheer impact of communications, produces the majority of public communications, has taken special care to ensure that all new posts to the fbi.gov website and all new print publications comply with the Act. Similarly, the FBI's Records Management Division is reviewing its system for requests for access to FBI records and information under the Freedom of Information Act to ensure compliance.

INTERPOL Washington (U.S. National Central Bureau)

INTERPOL Washington is aware of its responsibility to ensure website and collateral materials that are created for public and Congressional audiences are written in clear, concise and plain English. At least two members of the senior leadership team review all materials and make appropriate edits, if required. We also offer business writing and grammar courses as a part of our training program – these courses are available to all our permanent and detailed personnel.

In addition, we have recently created or modified collateral materials that are left behind for Members of Congress and their staffs, education officials at job fairs, etc. Finally, we have a training class scheduled for April 26, 2012, that should prove quite useful in implementing the Act.

Office of Privacy and Civil Liberties

OPCL only has two types of documents that fall under the Act's requirements:

- Portions of Privacy Act System of Records Notices (published in the Federal Register) that provide information regarding how individuals may obtain access to, and amendment of, records contained in the system; and
- Certain correspondence and email in response to Privacy Act amendment appeals and public inquiries, when the response requires that we provide additional procedures or steps that the appellant or inquirer may wish to take.

Because they are specifically for the purpose of informing the public, both the instructions regarding access and amendment, and any information regarding additional procedures or steps that we include in correspondence or email, have always been prepared with plain language to ensure clear communication to the intended audience/recipients. We have not had to take any new steps to implement the Act within our office, but rather have continued our practice of carefully reviewing these writings to ensure that the intended message is clearly and unambiguously communicated.

Office of Professional Responsibility

OPR is currently in the process of updating its website to reflect the Plain Writing Act's requirements and also will post its current report online. The website contains a page that invites the public to comment on OPR's compliance with the Act. OPR has reviewed its documents that fall under the requirements of the Act. Most of OPR's written products are not intended for public distribution and, therefore, are not covered by the Act.

OPR's website, annual reports and letters to the public, however, do fall under the Act's requirements. OPR reviewed its website and determined that its website complies with the Act. The website clearly describes how a member of the public can file a complaint about a Department attorney and provides information in plain language about the OPR process. OPR reviewed its annual reports and determined the reports as well comply with the Act. Letters to individual members of the public similarly are written to comply with the Act. To further enhance our writing skills, OPR is in the process of creating a Plain Writing Act training program for its attorneys and staff members. OPR designated a Senior Counsel as the official who will be responsible for overseeing OPR's implementation of the Act.

Office of the Solicitor General

OSG continues to ensure that documents intended to communicate with the public adhere to the Plain Writing Act. We review all such material, which includes our internet content and our responses to citizen mail and FOIA requests, before it is made available to the public to ensure compliance with the Plain Writing Act.

Office on Violence Against Women (OVW)

Recently, the Office on Violence Against Women substantially revised the template for the OVW grant program solicitations. All OVW solicitations follow the same organizational format as outlined in the logical sequence of the template. The solicitation template uses plain language and employs common definitions. It does not use jargon and avoids complicated words and phrasing. Acronyms are defined and only used when absolutely necessary. OVW reviewed the template to ensure that it was written in a clear and concise manner and revised it for redundancies across the different sections. There are sections in template for specific information on the relevant individual grant program. OVW issued guidance to the staff that emphasized the need for those sections to be brief and clear. OVW is also planning on providing training on the Plain Writing act through JUSTlearn for all OVW program specialists.

Tax Division

The Tax Division's principal covered document is its public website, www.doj.gov/tax. We recognize the importance of clear communication in promoting tax compliance, and we have ensured that the website continues to meet the "plain language" standard. Writing that is concise, thorough, well-organized and effective remains both a hallmark of the Division's work and a priority for Division managers across the board.

We are also posting the following text to the "Did You Know?" section of TAXNet, the Division's intranet:

"The Plain Writing Act of 2010, Public Law 111-274, requires executive agencies, including the Tax Division, to communicate with the public in a way that is clear, concise, well-organized, and jargon-free. Of course, those qualities are just as valuable in written communications between and among Division employees. To learn more about plain writing, go to <http://www.plainlanguage.gov>. You'll find the Federal Plain Language Guidelines, Tips & Tools for improving your writing, and a wealth of examples, both good and bad."

U.S. Trustee Program

Last fall, the U.S. Trustee Program took the following steps to implement the Plain Writing Act of 2010:

- U.S. Trustees designated one or more plain writing coordinators in each of the Program's 21 regions, and two individuals were designated as plain writing coordinators in the Executive Office. These coordinators are responsible for ensuring covered documents comply with the Act.
- Plain writing designees and others who regularly draft documents covered by the Act completed mandatory video training.
- The Office of Planning and Evaluation conducted a LiveMeeting on plain writing basics open to all Program personnel.
- The Office of Planning and Evaluation created a SharePoint page for Plain Writing reference documents and information.
- Two individuals from the Executive Office were designated to answer plain writing questions.

Appendix I: Civil Division Plain Writing Training Plan

CIVIL DIVISION
PLAIN WRITING TRAINING PLAN

Plain writing can:

- Improve public understanding of government communications;
- Save money and increase efficiency;
- Reduce the need for the public to seek clarification from agency staff;
- Improve public understanding of agency requirements and thereby assist the public in complying with them;
- Reduce resources spent on enforcement;
- Improve public understanding of agency forms and applications and thereby assist the public in completing them; and
- Reduce the number of errors that are made and thus the amount of time and effort that the agency and the public need to devote to correcting those errors.

Executive Office of the President
Office of Management and Budget

I. CONTROLLING AUTHORITY

The Civil Division Plain Writing Training Plan derives from the following sources:

- The **Plain Writing Act of 2010**, Pub. L. No. 111-274 (2010), 5 U.S.C. 301 (requires all new or substantially revised “covered documents” to be written in “plain” language by October 13, 2011, and requires certain agency employees to be trained in “plain writing”);
- **Memo from the Office of Management and Budget dated April 13, 2011** (providing guidance on implementing the Plain Writing Act of 2010);
- **Emails dated January 31, 2011, and April 14, 2011, from the Justice Management Division** (Michael Allen and Beverley Lumpkin) (providing guidance to Executive Officers on implementing the Plain Writing Act of 2010);
- **Executive Order 13563**, “Improving Regulation and Regulatory Review” (Jan. 18, 2011) (requires that regulations be “accessible, consistent, written in plain language, and easy to understand”);

- **Executive Order 12866**, “Regulatory Planning and Review” (Oct. 4, 1993) (“Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing uncertainty and litigation arising from such uncertainty”);
- **Presidential Memo dated June 1, 1998** (requires that plain language be used in all federal government documents that are written for the public).

II. DEFINITIONS

Plain Writing. The Plain Writing Act of 2010 defines “plain writing” as “writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.”

Covered Document. The Plain Writing Act of 2010 defines “covered document” to mean any document that –

- a. is necessary for obtaining any Federal Government benefit or service or filing taxes;
- b. provides information about any Federal Government benefit or service; or
- c. explains to the public how to comply with a requirement the Federal Government administers or enforces.

It includes letters, publications, forms, notices, or instructions, whether in paper or electronic form (e.g. websites).

“Public,” in this context, means “anticipated readers or recipients, including any external stakeholders affected by [the] agency’s mission or with whom [the] agency is seeking to communicate.” (OMB Memo dated April 13, 2011) While the Plain Writing Act of 2010 excludes regulations from “covered document,” long-standing policies still in effect require regulations to be written in a manner that is “simple and easy to understand.” (Executive Orders 12866 and 13563)

III. THE TRAINING REQUIREMENT

The Plain Writing Act of 2010 requires that the head of each agency “communicate the requirements of this Act to the employees of the agency” and “train employees of the agency in plain writing.” In the Department of Justice, these responsibilities have been delegated to the component heads, in the case of the Civil Division, to the Assistant Attorney General for the Civil Division.

The Office of Management and Budget has construed the training requirement as requiring –

- (1) A plan to determine which employees would benefit the most from training in plain writing, and to what degree;
- (2) Employees who regularly write or edit documents covered by the Act to be the primary recipients of this training; and
- (3) Training in plain writing to be provided to new employees.

(OMB Memo dated April 13, 2011)

IV. TRAINING PLAN FOR CIVIL DIVISION EMPLOYEES

A. Employees Required to Complete Plain Writing Training

Plain writing training must be completed by every employee who regularly writes or edits letters, publications, forms, notices, instructions or any other documents intended for the general public that are –

- (1) Necessary for obtaining any benefit or service the Civil Division administers or enforces;
- (2) Provides information about any benefit or service the Civil Division administers or enforces; or
- (3) Explains to the public how to comply with a requirement the Civil Division administers or enforces.

This will include, but is not limited to:

- Those who oversee the content on the Civil Division’s public website;
- Those who write or edit content of job vacancy announcements;
- Those who write or draft written communications in response to citizen inquiries;
- Those who write or draft written publications intended for the general public (such as materials explaining the mission and responsibilities of the Division);
- Those who write or edit communications intended for the general public related to compensation programs administered by the Division (such as

the programs created by the National Childhood Vaccine Injury Act of 1986, the 1990's Radiation Exposure Compensation Act, and the James Zadroga 9/11 Health and Compensation Act of 2010); and

- Those who write or edit content for Department of Justice regulations.

Those who only write or edit documents not intended for the general public, such as pleadings, briefs and motions to be filed with a court, will be encouraged but not required to complete plain writing training, unless directed to do so by their supervisor or director.

Plain writing principles will be incorporated into all legal writing training offered by the Civil Division.

B. Frequency of Training

Employees subject to the training requirement must complete initial training and then annual refresher training thereafter.

C. Compliance Deadline

a. Initial Training. i. Current Employees. Employees currently on staff who are subject to the training requirement must complete initial training no later than September 30, 2011.

ii. New Employees. Employees who enter on duty on or after October 1, 2011, must complete initial training before undertaking any assignment to write or edit a document intended for the general public.

b. Refresher Training. Annual refresher training must be completed no later than December 31 each year.

D. Qualifying Training

Employees subject to this training requirement must (1) study the *Federal Plain Language Guidelines*, and (2) complete a plain writing training program offered or approved by the Director of Training for the Civil Division.

E. Certificate of Completion

Employees subject to the plain writing training requirement must certify completion of the training no later than the applicable deadline. The content and form of the certificate of completion will be determined by the Director of Training for the Civil Division.

F. Responsibility for Enforcement

The office directors will be responsible for identifying the employees under their supervision who are subject to the training requirement and ensuring that they satisfy it. The Director of Training for the Civil Division will be responsible for monitoring compliance and collecting certificates of completion.

G. Online Resources

Resources for plain writing will be identified on the Civil Division's intranet site.

Appendix II: Drug Enforcement Administration Plain Writing Act Document List

Name of Document	Action Taken	Document Type (e.g. letter, form/ #, website, publication, etc.)	Intended Audience (e.g. pharmacies, doctors, general public, etc.)	*Category (1, 2, or 3)	Brief Description
U.S. Drug Enforcement Administration Petition Defect Letter	Converted	Form Letter	Individuals with an interest in seized property	3	Informs individuals on how to file a petition for remission/mitigation of seizure
U.S. Drug Enforcement Administration Petition Acknowledgement Letter	Converted	Form Letter	Individuals with an interest in seized property	3	Informs individuals about whether or not a petition for remission/mitigation was accepted and how to file supporting documents for a petition
U.S. Drug Enforcement Administration Claim Acknowledgement Letter	Converted	Form Letter	Individuals with an interest in seized property	3	Informs individuals about whether or not a claim has been accepted and how to file a petition for remission/mitigation
U.S. Drug Enforcement Administration Petition Mitigation Grant Letter	Remove from list – letter is no longer used	Letter	Individuals with an interest in seized property	3	Informs individuals about whether or not the government has granted mitigation (partial return) of property/currency and how to file a request for reconsideration of the partial denial

*Category (1, 2, or 3)

April 16, 2012

- 1) Documents necessary for obtaining any federal government benefit or service, or filing taxes
- 2) Documents that provide information about any federal government benefit or service
- 3) Documents that explain to the public how to comply with a requirement that the federal government administers or enforces

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U.S. Drug Enforcement Administration Authorization for Return Property/Currency Letter	Remove from list – letter is an internal memo	Letter	Individuals with an interest in seized property	3	Informs individuals on how to claim their seized property
U.S. Drug Enforcement Administration No Identifier Letter	Due to legal issues, this letter was not changed.	Letter	Individuals with an interest in seized property	3	Letter informing individual to obtain a Case and/or Asset ID number
U.S. Drug Enforcement Administration Lien Holder Petition for Remission or Mitigation of Forfeiture	Due to legal issues, this letter was not changed.	Form	Individuals with an interest in seized property	3	Form completed by the individual to receive payment
U.S. Drug Enforcement Administration Secured Party Indemnity Agreement	Due to legal issues, this letter was not changed.	Form	Individuals with an interest in seized property	3	Form used as a Hold Harmless Agreement
U.S. Drug Enforcement Administration Defective Claim Acknowledgement Letter	Due to legal issues, this letter was not changed.	Form Letter	Individuals with an interest in seized property	3	Letter informing individual the claim is defective and provides time to cure any deficiencies

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U.S. Drug Enforcement Administration Settlement Letter	Due to legal issues, this letter was not changed.	Letter	Individuals with an interest in seized property	3	Informs individuals on how to claim their seized property when a settlement has been issued
Practitioner’s Manual: A Guideline to the Practitioner’s Responsibilities under the Controlled Substances Act of 1970	No change – already in plain language	Manual	Practitioners, (physicians, dentists, veterinarians, and other registrants authorized to prescribe, dispense, and administer controlled substances)	3	Helps practitioners understand the Federal Controlled Substances Act and how to implement it
Mid-Level Practitioner’s Manual: An Informational Outline of the Controlled Substances Act of 1970	Entire manual is being updated – currently not available to the public	Manual	Mid-level practitioners (e.g. nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists, and physician assistants)	3	Helps mid-level practitioners understand the Federal Controlled Substances Act and how to implement it

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Pharmacist's Manual: An Informational Outline of the Controlled Substances Act of 1970	No change – already in plain language	Manual	Pharmacists	3	Helps pharmacists understand the Federal Controlled Substances Act and how to implement it
Narcotic Treatment Programs: Best Practice Guideline	No change – already in plain language	Manual	Narcotic treatment programs	3	Helps treatment facilities understand the Federal Controlled Substances Act and how to implement proper dosage reconciliation practices
Chemical Handler's Manual: A Guide to Chemical Control Regulations	Entire manual is being updated – currently not available to the public; technical document	Manual	Drug precursor handlers (importers, exporters)	3	Helps chemical handlers understand the Federal Controlled Substances Act and their responsibilities
Automation of Reports and Consolidated Orders System (ARCOS) Registrant Handbook	No change – already in plain language	Manual	Controlled substance manufacturers and distributors	3	Helps manufacturers and distributors understand how to use the Automation of Reports and Consolidated Orders System
A Security Outline of the Controlled Substances Act of 1970	No change – already in plain language	Manual	Drug Handlers (practioners,	3	Helps drug handlers understand and implement the Federal Controlled

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			manufacturers, distributors)		Substances Act and its regulations on security
Federal Register Notices (Diversion Control Program)	No change – already in plain language	Publication	Practitioners, manufacturers, distributors, general public	3	Provides public notices on activities (e.g. registration notices, registrant actions, production quotas)
DEA’s Diversion website (www.dea.gov/diversion)	No change – already in plain language	Website	Practitioners, manufacturers, distributors, general public	3	Provides information on DEA’s Diversion Control Program and its activities
DEA’s Acquisitions/Contracts website (www.justice.gov/dea/acquisitions_contracts.html)	No change – already in plain language. Due to legal issues, documents on website were not changed.	Website	Businesses seeking federal contracts	3	Provides information for those seeking federal contracts with DEA

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