

Calendar No. 66

118TH CONGRESS
1ST SESSION**S. 717****[Report No. 118–26]**

To improve plain writing and public experience, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2023

Mr. PETERS (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 11, 2023

Reported by Mr. PETERS, without amendment

A BILL

To improve plain writing and public experience, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear and Concise Con-
5 tent Act of 2023”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” means an
4 executive agency and a military department, as such
5 terms are defined in sections 105 and 102 of title
6 5, United States Code, respectively.

7 (2) COVERED CONTENT.—The term “covered
8 content”—

9 (A) means any content that—

10 (i) is necessary for obtaining any ben-
11 efit or service from the Federal Govern-
12 ment or for filing taxes; or

13 (ii) provides information about—

14 (I) any benefit or service from
15 the Federal Government;

16 (II) any operations, policies, or
17 guidance of an agency that are of ma-
18 terial importance to the agency and
19 are posted publicly by the agency, in-
20 cluding any explanation of how to
21 comply with a requirement the Fed-
22 eral Government administers or en-
23 forces;

24 (III) how to interact with or pro-
25 vide feedback to an agency regarding

1 the operations, policies, or guidance of
2 the agency; or

3 (IV) how to navigate or interact
4 with any agency website, digital serv-
5 ice, or office;

6 (B) includes—

7 (i) (whether in paper or electronic
8 form) a letter, publication, form, notice,
9 guidance, policy, instruction, or official
10 correspondence of an agency;

11 (ii) all content necessary for public
12 understanding, interaction, and use of an
13 agency digital service or website; and

14 (iii) instructions on how to submit
15 comments, feedback, or information in re-
16 sponse to a regulation during any portion
17 of the rulemaking or implementation proc-
18 ess for a regulation; and

19 (C) subject to subparagraph (B)(iii), does
20 not include a regulation.

21 (3) DIRECTOR.—The term “Director” means
22 the Director of the Office of Management and Budg-
23 et.

24 (4) OPEN GOVERNMENT DATA ASSET.—The
25 term “open Government data asset” has the mean-

1 ing given that term in section 3502 of title 44,
2 United States Code.

3 (5) PLAIN WRITING.—The term “plain writing”
4 means writing that is clear, concise, well-organized,
5 and follows other best practices appropriate to the
6 subject or field and intended audience, including an
7 audience who may be disabled, may not be proficient
8 in English, or may otherwise be disadvantaged or
9 traditionally underserved.

10 **SEC. 3. RESPONSIBILITIES OF THE DIRECTOR.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Director shall rescind
13 outdated guidance and issue new guidance for the cre-
14 ation, maintenance, and use of covered content at agen-
15 cies.

16 (b) REQUIREMENTS.—The guidance required under
17 subsection (a) shall—

18 (1) establish procedures under which an agency
19 shall review any content in use on the date of enact-
20 ment of this Act to determine if it is covered con-
21 tent;

22 (2) establish policies for an agency to ensure
23 that any content of the agency that is covered con-
24 tent, including any content created or updated after

1 the date of enactment of this Act that is determined
2 to be covered content, is drafted in plain writing;

3 (3) establish qualitative and quantitative
4 metrics by which an agency shall be measured for
5 compliance with the requirements to identify covered
6 content, draft covered content in plain writing, and
7 solicit and incorporate public feedback and data to
8 improve public engagement and interaction with the
9 agency;

10 (4) prescribe processes by which agencies shall
11 submit agency reports required by the Director, in
12 an appropriate manner and form, to support the
13 governmentwide reports required under subsection
14 (c); and

15 (5) require an agency to solicit public feedback,
16 collect data, and routinely test the creation or modi-
17 fication of covered content of the agency.

18 (c) REPORTS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, and not less fre-
21 quently than every 2 years thereafter, the Director
22 shall submit to the Committee on Homeland Secu-
23 rity and Governmental Affairs of the Senate and the
24 Committee on Oversight and Accountability of the

1 House of Representatives a report on implementa-
2 tion of this Act by agencies, including—

3 (A) the progress of agencies towards
4 achieving the metrics established under sub-
5 section (b)(3);

6 (B) information regarding Government-
7 wide trends or activities related to the imple-
8 mentation of this Act with respect to covered
9 content across 1 or more agencies; and

10 (C) any other information or data deter-
11 mined by the Director to inform Congress and
12 the public regarding plain writing in covered
13 content by agencies.

14 (2) PUBLIC WEBSITE.—The Director shall—

15 (A) make the reports submitted under
16 paragraph (1) available on a public website de-
17 termined by the Director; and

18 (B) maintain the reports as open Govern-
19 ment data assets.

20 (3) FEDERAL GOVERNMENT AND AGENCY PER-
21 FORMANCE PLANS.—

22 (A) FEDERAL GOVERNMENT.—The Direc-
23 tor shall ensure that the information regarding
24 the Federal Government performance plan and
25 agency performance plans required to be made

1 available under subsection (a) or (b) of section
2 1115 of title 31, United States Code, is treated
3 as covered content and published (whether in
4 paper or electronic form) using plain writing.

5 (B) AGENCY PERFORMANCE PLANS.—Sec-
6 tion 1115(b) of title 31, United States Code, is
7 amended—

8 (i) in paragraph (9)(C), by striking
9 “and” at the end;

10 (ii) in paragraph (10), by striking the
11 period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(11) incorporate the metrics established under
16 section 3(b)(3) of the Clear and Concise Content Act
17 of 2023.”.

18 **SEC. 4. AGENCY RESPONSIBILITIES.**

19 (a) IN GENERAL.—The head of each agency shall en-
20 sure compliance with this Act, including through the des-
21 ignation of a senior officer at the agency (not lower than
22 an Assistant Secretary or equivalent) to oversee implemen-
23 tation by the agency, including all bureaus, offices, or
24 other subordinate components of the agency.

1 (b) REQUIREMENT TO USE PLAIN LANGUAGE IN
2 COVERED CONTENT.—Except as provided in the amend-
3 ments made by section 5(1), on and after the date that
4 is 1 year after the date of enactment of this Act, each
5 agency shall use plain writing in all covered content made
6 available by the agency, consistent with the guidance
7 issued by the Director under section 3(a).

8 (c) REQUIREMENT FOR FEEDBACK FROM CUS-
9 TOMERS.—The head of each agency shall ensure that
10 there are opportunities and mechanisms in place (whether
11 in paper or electronic form) that incorporate plain writing
12 instructions for feedback from individuals or entities ob-
13 taining services from or engaging in transactions with the
14 agency.

15 (d) PUBLIC FEEDBACK.—The head of each agency
16 shall maintain an accessible form, survey tool, or other
17 portion of a website of the agency to solicit feedback from
18 the public on compliance with this Act by the agency and
19 to collect the feedback and data required under section
20 3(b)(5).

21 **SEC. 5. AMENDMENTS TO THE 21ST CENTURY IDEA ACT.**

22 Section 3 of the 21st Century Integrated Digital Ex-
23 perience Act (44 U.S.C. 3501 note) is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Not later” and inserting “Except
3 as provided in paragraph (9), not later”;

4 (B) in paragraph (7), by striking “and” at
5 the end;

6 (C) in paragraph (8), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (D) by adding at the end the following:

9 “(9) is drafted using plain writing (as defined
10 in section 2 of the Clear and Concise Content Act
11 of 2023), as is required under section 4 of such Act
12 for covered content (as defined in section 2 of such
13 Act), by not later than 180 days after the date of
14 enactment of such Act.”; and

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph (1),
17 by striking “Not later” and inserting “Except
18 as provided in paragraph (2), not later”; and

19 (B) by striking paragraph (2) and insert-
20 ing the following:

21 “(2) by not later than 1 year after the date of
22 enactment of the Clear and Concise Content Act of
23 2023, comply with the requirements under sub-
24 section (a).”.

1 **SEC. 6. LIMITATION ON JUDICIAL ENFORCEABILITY.**

2 (a) JUDICIAL REVIEW.—No court shall have jurisdic-
3 tion over any claim related to any act or omission arising
4 out of any provision of this Act.

5 (b) ENFORCEABILITY.—No provision of this Act shall
6 be construed to create any right or benefit, substantive
7 or procedural, enforceable by any administrative or judi-
8 cial action.

9 **SEC. 7. REPEAL.**

10 Effective on the date that is 1 year after the date
11 of enactment of this Act, the Plain Writing Act of 2010
12 (5 U.S.C. 301 note) is repealed.

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