



September 1, 2011

PLAIN LANGUAGE: THE ACT, WHAT IT MEANS, WHAT *YOU* NEED TO DO



1



Presenters

- Amy Bunk, Director of Legal Affairs and Policy, Office of the Federal Register, and Co-Chair of the Plain Language Action and Information Network (PLAIN)
- Katherine Spivey, Plain Language Launcher, General Services Administration



2



Overview

This webinar will provide an update on plain writing principles and the law. If you write for the web, an intranet, press releases, emails, articles, e-newsletters, etc., this webinar will allow you to:

- discuss plain writing principles
- learn strategies and tactics for making content plain
- see before-and-after examples
- hear how the Plain Writing Act of 2010 affects government agencies
- find where to get additional plain language training and resources
- learn about the federal plain language community



3



What is plain language?

Definition

Plain language is a style of writing that allows readers to:

- Quickly find what they need
- Understand what they read
- Use what they read to fulfill their needs the **first** time they read or hear it.



4



What is plain language?

- Helps the reader **find** the information
- Helps the reader **understand** the information

Remember: If your document doesn't do both, it's not plain language.



5



What is plain language?

Anticipated Benefits

Plain language is an essential part of open government. The final OMB guidance on the Plain Writing Act of 2010 states that creating documents using plain writing can reduce agency costs.

For example, plain writing can reduce:

- questions from the public to agency staff
- resources spent on enforcement
- errors on forms and applications
- time spent addressing errors



Source: "Final Guidance for the Plain Writing Act of 2010," M-11-15, Office of Management and Budget.

6



What is plain language?

Techniques

Many writing techniques allow users to quickly and easily understand what they are reading. The most common techniques use:

- reader-centered organization
- design features such as headers, tables, and lists
- short sentences and paragraphs
- “you,” “we,” and other pronouns
- active voice
- verbs, not nouns
- consistent terms, not jargon or acronyms
- common, everyday words



7



What governs plain language?

The Plain Writing Act of 2010

According to the Plain Writing Act of 2010, all new government documents that meet the following criteria must be written in plain language by October 13, 2011:

- Documents that are necessary to get government benefits or services, or for filing taxes
- Documents that provide information about federal benefits or services
- Documents that explain to the public how to comply with a federal requirement

The legislation applies to both paper and electronic letters, publications, forms, notices, and instructions.



8



What governs plain language?

Guidelines and Documentation

OMB Guidance

OMB provided final guidance on April 13, 2011.

The Plain Language Action and Information Network (PLAIN)

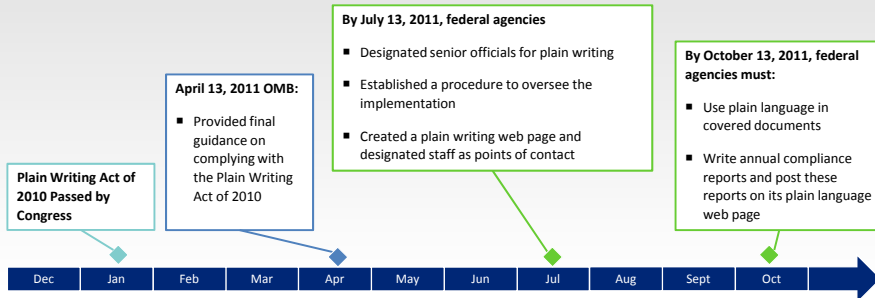
PLAIN was founded in the mid-1990s with the goal of using plain language for all government communications. OMB guidance encourages agencies to follow the PLAIN guide (available on plainlanguage.gov) when implementing plain language.

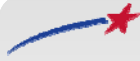
Howto.gov

Howto.gov, an Office of Citizen Services and Innovative Technologies (OCSIT) website, recommends using plain language on government websites and gives guidelines on that and other best practices.



Key dates in implementing plain language





Actual State Department Question

Have you ever been refused admission to the U.S., or been the subject of a deportation hearing or sought to obtain or assist others to obtain a visa, entry into the U.S., or any other U.S. immigration benefit by fraud or willful misrepresentation or other unlawful means? Have you attended a U.S. public elementary school on student (F) status or a public secondary school after November 30, 1996 without reimbursing the school?

Yes No



11



Coast Guard Boating Information

CO Detector Update:

The Coast Guard has conducted an investigation to determine what carbon monoxide (CO) detection devices are available to recreational boaters, such that, when installed and activated could reduce the risk of being exposed to high levels of CO -THAT SILENT KILLER. A variety of technologies is available for detecting the presence of CO on boats and should be considered by recreational boaters to reduce their risk of injury or death while boating.

(72 words)



12



Coast Guard Boating Information (Revised)

- Carbon monoxide is a silent killer. The Coast Guard recommends that you use a carbon monoxide detection device on your boat to reduce the risk of being exposed to high levels of CO. You may choose from a variety of devices. (39 words)



Organize to serve the reader

- Anticipate questions an informed reader is likely to ask
- Organize writing to answer questions in the order the reader will ask them



Use Headings

- Allow the reader to quickly find relevant information
- Break up the information
- Increase blank space on the page
- Informative headings help the reader navigate the document



Try question headings

- Readers have questions in mind
- Questions help readers relate to the information
- Questions help you organize the information



How do I know if I am eligible to extend my stay in the United States?

You may apply for an extension of stay in the United States if:

- You were lawfully admitted into the United States as a nonimmigrant;
- You have not committed any act that makes you ineligible to receive an immigration benefit;
- There is no other factor that requires you to depart the United States prior to extending status (for example, a USCIS officer may determine that you should obtain a new visa prior extending your status); and
- You submit an application for an extension of stay before the expiration date on your Form I-94. (There are certain very limited circumstances under which USCIS will excuse a late submission.)



17



Use lists

- Make it easy for the reader to identify all items or steps in a process,
- Add blank space for easy reading, and
- Help the reader see the structure of your document.



18



Don't make lists too long

- Research suggests that seven items are the maximum that work well in a list.
- Longer lists are hard to navigate.



Example: How easy is this to read?

U.S. Citizenship and Immigration Services (USCIS) is expanding its Direct Mail Program to provide that filings of Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, Form I-800A Supplement 1, Listing of Adult Member of the Household, Supplement 2, Consent to Disclose Information, Supplement 3, Request for Action on Approved Form I-800A, Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative, Supplement 1, Consent to Disclose Information, for the Hague Adoption Convention be filed at a designated Chicago, Illinois lockbox facility for initial processing.



Revision in list format

U.S. Citizenship and Immigration Services (USCIS) is expanding its Direct Mail Program to include the following forms:

- **Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country**
- **Form I-800A Supplement 1, Listing of Adult Member of the Household**
- **Form I-800A Supplement 2, Consent to Disclose Information**
- **Form I-800A Supplement 3, Request for Action on Approved Form I-800A**
- **Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative**
- **The Form I-800 Supplement 1, Consent to Disclose Information.**

Mail these forms to the Chicago Lockbox facility.



21



Why use tables?

Tables

- Save words
- Make it easy to locate specific provisions
- Make it easy to take in complex material at a glance
- Make your logic and structure clear



22



Sending expense forms

We must receive your completed expense form on or before the 15th day of the second month following the month you are reporting if you do not submit your form electronically, or the 25th day of the second month following the month you are reporting if you submit your form electronically.



23

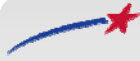


Answer: sending expense forms

If you send your form	Then we must receive it by
electronically	The 25th day of the second...
Paper or fax	The 15th day of the second...



24



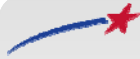
Keep things short

- No one wants to read material like the next slide.



Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DHS has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.



Executive Order 12988 (Revised)

- This rule meets the requirements found in sections 3(a) and 3(b)(2) of Executive Order 12988.



Use short paragraphs

- Limit a paragraph to one subject or step
- Smaller “bites” of info are easier to digest
- Aim for ***no more than*** 7 lines



Use short sentences

- Treat only one subject in each sentence
- Avoid complexity and confusion
- Aim for 20 words per sentence *or fewer*

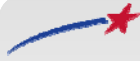


Use pronouns

Remember! Your reader is a person, not an entity.

Use pronouns to:

- Speak directly to readers
- Make your writing relevant to readers
- Require less work from your readers
- Eliminate words



Use pronouns

- Use **“we”** to refer to your agency
- Use **“you”** for the reader
- If you are using Q&A format, use **“I”** in the questions and **“you”** in the text



Exercise

Once the candidate’s goals are established, one or more potential employers are identified. A preliminary proposal for presentation to the employer is developed. The proposal is presented to an employer who agrees to negotiate an individualized job that meets the employment needs of the applicant and real business needs of the employer.



Eliminate extra content and words

Excess content

Think about your purpose, your topic, and your audience. If content doesn't further your goals, don't include it!

Excess words:

Look at some common sources of wordiness:

- passive voice
- repeated words
- prepositional phrases
- hidden verbs
- unnecessary modifiers
- failure to use pronouns



33



Exercise revision

Once we establish your goals, we identify one or more potential employers. We prepare a preliminary proposal to present to an employer who agrees to negotiate a job that meets both his and your employment needs.



34



Saving words and time

Once the candidate's goals are established, one or more potential employers are identified. A preliminary proposal for presentation to the employer is developed. The proposal is presented to an employer who agrees to negotiate an individualized job that meets the employment needs of the applicant and real business needs of the employer.

52 words

Once we establish your goals, we identify one or more potential employers. We prepare a preliminary proposal to present to an employer who agrees to negotiate a job that meets both his and your employment needs.

37 words



35



When pronouns don't work

- If you're addressing more than one audience
- If you refer readers to more than one office within your organization



36



Use active, not passive voice

- Active voice is more clear, concise and direct
- Passive is a characteristic of bureaucratese (not plain)
- “Mistakes were made.”



What is passive voice?

- The person doing the action usually follows the verb.
Example: Arlene **was promoted** by her boss.
- The verb has two parts: The verb “to be” plus the past participle of another verb.
Example: The house **will be leased** by Fred.



Why avoid passive voice?

Passive Voice

Can disguise who does what:

The memo was written yesterday.

Active Voice

Makes it clear who does what:

The director wrote the memo yesterday.



39



Why avoid passive voice?

Passive Voice

Is wordy

The application must be completed by the applicant and received by the financial office at the time designated by that office.

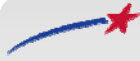
Active Voice

Is concise:

We must receive your completed application by the deadline that we establish.



40



Why avoid passive voice?

Passive Voice

Is awkward (for English):

Consultation from respondents was obtained to determine the estimated burden

Active Voice

Is natural (for English):

We consulted with respondents to determine the estimated burden.



41



Exercise: Passive to Active Voice

1. Excess and/or unauthorized expenses, delays, or luxury accommodations and services will not be reimbursed by the company, but will be borne by the employee.
2. Your application has been denied by the Department of State.
3. The submission you filed will be reviewed by the judges.



42



Exercise answers

1. The company will not reimburse you for
 - * unauthorized expenses,
 - * delays, or
 - * luxury accommodations and services.
2. The Department of State has denied your application.
3. The judges will review your submission.



Avoid hidden verbs

Hidden verbs are verbs disguised as nouns. They are generally longer than their true verb forms.



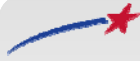
Rescuing hidden verbs

- Conduct an analysis
- Present a report
- Do an assessment
- Provide assistance
- Came to the conclusion that
- Analyze
- Report
- Assess
- Help
- Concluded



Use consistent terms

- Avoid “**Shall.**” It is ambiguous and is not used in everyday speech
- Use “**must**” for an obligation
- Use “**must not**” for a prohibition
- Use “**may**” for a discretionary action
- Use “**should**” for a recommendation



Bryan A. Garner on “Shall”

In just about every jurisdiction, courts have held that “shall” can mean not just “must” and “may,” but also “will” and “is.” The [U.S. Supreme] Court has [in various decisions]:

- Held that a legislative amendment from “shall” to “may” had no substantive effect
- Held that “shall” means “must” for existing rights, but that it need not be construed as mandatory when a new right is created
- Acknowledged that, “legal writers sometimes misuse ‘shall’ to mean ‘should,’ ‘will,’ or even ‘may.’ ”



47

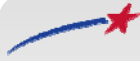


Don’t sound so bureaucratic!

- Limit jargon and acronyms
- Contractions aren’t bad—use them!
- Use everyday words



48



Two kinds of jargon

- Necessary technical terms
- Obscure and often pretentious language marked by circumlocutions and long words

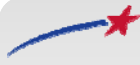
Example: Habeas corpus, plaintiff

Example: Hereby, Wherefore, ab initio



Limiting acronyms and abbreviations

- Use “we” for the agency
- Don’t use acronyms/abbreviations for infrequent phrases
- Try another style (the Council)
- Make them pronounceable (STARS, TRACON, FSDO)

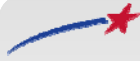


Cautionary tale



Use everyday words

- anticipate
- attempt
- commence
- demonstrate
- implement
- in the event that
- submit
- terminate
- expect
- try
- begin, start
- show, prove
- start
- if
- send, give
- end, cancel



Place words carefully

- Keep subjects and objects close to their verbs.
- Put conditionals such as "only" or "always" next to words they modify.
- Don't misplace modifiers.
- Put exceptions and long conditions after the main clause, not before or in the middle.



53



Word placement makes a difference

- Yesterday a mad dog bit five men and women in the south end.
- This section applies to appeals of orders involving the reporting and payment of royalties or other payments due under Federal oil and gas leases pending on the date this rule becomes effective.
- This rule proposes the Spring/Summer subsistence harvest regulations in Alaska for migratory birds that expire on August 31, 2003.



54



Plain writing examples from other agencies

Example 1: Freeing a stuck vehicle

Before:

When the process of freeing a vehicle that has been stuck results in ruts or holes, the operator will fill the rut or hole created by such activity before removing the vehicle from the immediate area.

After:

If you make a hole while freeing a stuck vehicle, you must fill the hole before you drive away.

See more examples at plainlanguage.gov/examples.



55



Plain writing examples from other agencies

Example 2: When state and local regulations apply to tribal lands

Before:

Under 25 CFR §1.4(b), the Secretary of the Interior may in specific cases or in specific geographic areas, adopt or make applicable to off-reservation Indian lands all or any part of such laws, ordinances, codes, resolutions, rules or other regulations of the State and political subdivisions in which the land is located as the Secretary shall determine to be in the best interest of the Indian owner or owners in achieving the highest and best use of such property.

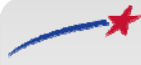
After:

Section 1.4(b) of 25 CFR allows us to make state or local laws or regulations apply to your off-reservation lands. We will do this only if we find that it will help you to achieve the highest and best use of your lands.



See more examples at plainlanguage.gov/examples

56



Illustrative plain writing examples for ITS Websites

Example 1: SATCOM-II Overview

Before:

In structuring the SATCOM-II acquisition, the government defined and included all services that are under the GSA Satellite Services Program will also be available under SATCOM-II. currently available under the GSA Satellite Services Program. The realization of this goal will facilitate a smooth transition from the existing satellite contract(s) to the SATCOM-II contract.

After:

To transition smoothly, all services that were available under the GSA Satellite Services Program will also be available under SATCOM-II



Example 1: <http://www.gsa.gov/portal/category/25320>

57



Illustrative plain writing examples for ITS Websites

Example 2: GWAC Overview

Before:

Protests are not allowed on task orders under \$10 million except on the grounds that the order increases the scope, period of performance, or maximum value of the GWAC.

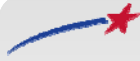
After:

You may not protest task orders under \$10 million unless the order increases:

- the scope,
- the period of performance,
- the maximum value of the GWAC.



58



Examples from GSA

Category 1 – Equipment & Services

Before:

Typical equipment and associated services include multiplexers, video codecs, voice mail systems, channel service units, concentrators, routers, switches, gateways, firewalls, repeaters, virtual private network equipment, site preparation, power systems, alarms, microwave systems, wiring, cabling and cross connects. Services in this category are limited to those that would specifically support the equipment (e.g., installation and ongoing maintenance).

<http://www.gsa.gov/portal/content/104356> (Connections)



59



Examples from GSA

Category 1 – Equipment & Services

After:

Typical equipment and associated services include

- multiplexers
- video codecs
- voice mail systems
- channel service units
- concentrators
- routers
- switches
- gateways
- firewalls
- repeaters
- virtual private network equipment
- site preparation
- power systems
- alarms
- microwave systems
- wiring
- cabling
- cross connects



Services in this category are limited to those that would specifically support the equipment (e.g., installation and ongoing maintenance).

60



Examples from GSA

Socioeconomic Credit

Before:

Claiming Socioeconomic Credit – DoD

The following information is an excerpt from the FPDS-NG User's Manual at Section 3.4 captioned "PURCHASER INFORMATION".

In a nutshell, when an agency is reporting its own task orders, it must fill in the contracting office agency ID and contracting office ID, and when the record with its socioeconomic credit is completed it will be tied to the organization when the rest of the task order information is matched up as an order against the applicable VETS GWAC contract number (referenced IDV).

For DoD Agencies, the task order takes on all of the characteristics of the parent GWAC (referenced IDV). When ordering for a customer agency, fill out the contracting office agency ID and contracting office ID, and **also** fill in the funding agency ID and funding office ID for the customer agency to transfer the socioeconomic credit to the customer. For additional guidance, please view the DoD policy on [Reporting Funding Organization Data to FPDS](#) (PDF, 144k).

<http://www.gsa.gov/portal/content/102921>



61



Examples from GSA

Socioeconomic Credit

After:

Claiming Socioeconomic Credit

DoD Agencies

The task order takes on all of the characteristics of the parent GWAC (referenced IDV).

When ordering for a customer agency, fill out the following to transfer the socioeconomic credit to the customer:

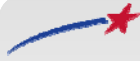
- contracting office agency ID
- contracting office ID
- funding agency ID
- funding office ID for the customer agency

For additional guidance, please view the DoD policy on [Reporting Funding Organization Data to FPDS](#) (PDF, 144k).

<http://www.gsa.gov/portal/content/102921>



62



Examples from GSA

Before:

What can be expected upon concluding the SOW review is a short turn-around time, determination on whether the Small Business GWAC Center deems the requirement a good fit for the VETS GWAC, and which Functional Area is appropriate based on the information that has been presented. The OCO will still be required to complete acquisition planning, work with legal and technical advisors if appropriate or required, conduct the procurement, perform due diligence, etc.



<http://www.gsa.gov/portal/content/102475>

63



Examples from GSA

After:

What you can expect:

- a short turn-around time
- yes-or-no decision on whether the Small Business GWAC Center deems the requirement a good fit for the VETS GWAC
- decision on which Functional Area is appropriate

You will still need to

- complete acquisition planning
- work with legal and technical advisors if appropriate or required
- conduct the procurement
- perform due diligence and other necessary steps.



<http://www.gsa.gov/portal/content/102475>

64



Checklist for web content tasks

Have you?

- Identified your most frequently visited pages or documents?
- Identified what type of customer reads or uses this content - and are you writing for that customer?
- Removed or explained jargon (including program names, acronyms, technical words, GSA org-speak)?
- Have you removed or archived out-of-date content (over 1-2 years old, unless essential for compliance)?
- Written to make it easy for customers to complete their task (most important content first, numbered instructions, bulleted lists, clear start point, contact information, white space)?
- Have you removed all the text or content that you can and still retain usefulness?



Action Items

- Take a plain language course (plainlanguage.gov and Web Manager University offer training)
- Join Plain Language Action and Information Network (PLAIN)
- Attend PLAIN monthly meetings—2nd Wednesday of each month, 2 to 3:30 p.m. (locations announced in advance) or call in
- Review your agency's Plain Writing Act page (should be linked from your Open Gov page)
- Apply Federal Plain Language Guidelines to documents and web pages
- Work on key content first—public-facing documents



66



Additional Resources

Federal Government Resources

- Federal plain language guidelines
- Howto.gov
- Plain Language Action and Information Network (PLAIN)
- Plain Writing Act of 2010 Pub. L. 111-274 (Oct. 13, 2010)
- Usability.gov
- Web Manager University



67



Additional resources

Not-for-profit, non-federal

- Center for Plain Language
- Clarity International
- Plain Language Association International



68