

**Annual Report on Compliance with the Plain Writing Act of 2010**  
**Federal Deposit Insurance Corporation (FDIC)**  
**April 2013**

**Introduction**

The Plain Writing Act of 2010 (the Act) requires federal agencies to prepare certain documents according to plain writing guidelines. These “covered documents” include documents relating to agency benefits and services and compliance with agency law and regulations. They include both paper and electronic versions of documents such as letters, notices, publications, forms, and instructions.

Guidance on complying with the Act’s plain writing mandate is found in OMB’s April 13, 2011 memorandum, *Final Guidance on Implementing the Plain Writing Act of 2010* available at <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-15.pdf>.

The Act requires federal agencies to post Annual Compliance Reports. This is the Federal Deposit Insurance Corporation’s annual report for 2013.

**Background – Implementation of the Act at the FDIC**

During 2011, agency officials implemented the Act at the FDIC. Specifically, the following significant actions were taken:

- The FDIC Chairman designated the Director, Office of Communications as the lead official for implementing the Act’s requirements. Representatives from the Division of Administration, the Legal Division, Corporate University, and the Division of Information Technology were assigned to lead certain aspects of the implementation process.
- The FDIC Chairman issued a Notice to All FDIC Employees providing an overview of the Act’s requirements and the officials with responsibility for overseeing its implementation at the FDIC.
- Agency officials designed a Plain Writing Act web page and launched it on the FDIC external web site on July 13, 2011. The web page includes an overview of the Act; a set of Plain Writing guidelines; a copy of the FDIC Plain Writing Act implementation plan; and a tool for members of the public to use to provide comments regarding the FDIC’s implementation of the Act. The web page also includes the agency’s annual reports on compliance with the Act.
- Beginning in May 2011, officials in Corporate University provided a series of classroom training opportunities for employees who are likely to prepare

documents covered by the Act. This four-hour training session reviewed the Federal Plain Language Guidelines (as revised in May 2011) and provided practical writing exercises for attendees. This training class was widely advertised to all FDIC divisions and offices. An on-line training course was also initiated (and has since been completed) to train more employees nationwide.

- In August 2011, the Director, Office of Communications sent a message to all Division and Office Directors providing additional awareness of the Act and requesting each organization to name a Compliance Coordinator for Plain Writing matters.
- In September 2011, the FDIC's Plain Writing implementation team met with Division and Office Compliance Coordinators to provide background on the Act, publicize training opportunities, discuss implementation activities, and outline Compliance Coordinator responsibilities.
- At the September 2011 orientation meeting, the implementation team instructed Compliance Coordinators to continue to promote awareness of the Act in their respective organizations and to serve as intermediaries between their organizations and the Plain Writing implementation team to help clarify whether documents they prepare are covered by the Act. The implementation team also advised the Coordinators that October 13, 2011 was the date by which agencies had to comply with the Act.
- In October 2011, the implementation team sent a follow-up message to the Compliance Coordinators reminding them of the most important elements of the implementation effort and their responsibilities in the process. The message also informed the Coordinators that their organizations' Directors will be requested to complete an annual certification statement regarding their organization's compliance with the Act.

### **Key Activities Since April 2012**

Having taken the necessary actions to implement the Act in 2011-2012, FDIC officials have focused on increasing and reinforcing employee awareness of the Act, as well as monitoring compliance with the Act.

Division and Office Compliance Coordinators, working in coordination with the Corporate University training staff, continue to encourage employees to complete the Plain Writing training. An on-line version of the training was made available in 2012, making it easier and more convenient for employees throughout the FDIC network to take the training. As of April 2013, a total of 2,962 employees have successfully completed Plain Writing training – an increase of 2,211 from this time last year. (See Attachment 1 – Data on Completion of Plain Writing Training)

Also, on a periodic basis, agency review officials trained in the principles of Plain Writing conduct sample reviews of documents on the FDIC web site to assess the level of compliance with the Act. They report that, based on their samplings, FDIC employees are generally complying with the Act. Isolated instances of non-compliance are occasionally identified and reported to management officials for appropriate corrective action.

In April 2013, all FDIC Division and Office Directors were asked to certify that, to the best of their knowledge, employees in their organizations are complying with the Act. After consulting with their Compliance Coordinators and management teams, the Directors signed their certification statements. (See Attachment 2 – Certifications of Compliance with Plain Writing Act of 2010, executed by Division and Office Directors)

Throughout the year, a Deputy Director in the Division of Administration monitored the FDIC's Plain Writing Comments mailbox and responded to any public comments. The mailbox generated a low volume of public input and there were no comments regarding instances of perceived non-compliance with the Act.

### **Summary**

The FDIC continues to make a concerted effort to embrace both the spirit and the letter of the Act by taking reasonable steps to ensure that agency employees are aware of and complying with the Act. All available evidence suggests that the agency is taking the necessary steps to ensure compliance. Monitoring activities will continue and a new compliance report will be issued in April 2014.

### **Attachments**

**Attachment 1**

**Data on Completion of Plain Writing Training**

**# of FDIC Employees Trained**

	<b>Total for Division or Office May '11-Apr '12</b>	<b>Total for Division or Office May '12-Apr '13</b>	<b>Total for Division or Office Total to Date</b>
<b>CU</b>	<b>28</b>	<b>23</b>	<b>51</b>
<b>CU (CEP)</b>	<b>84</b>	<b>133</b>	<b>217</b>
<b>DCP</b>	<b>139</b>	<b>787</b>	<b>926</b>
<b>DIR</b>	<b>26</b>	<b>13</b>	<b>39</b>
<b>DIT</b>	<b>19</b>	<b>13</b>	<b>32</b>
<b>DOA</b>	<b>105</b>	<b>36</b>	<b>141</b>
<b>DOF</b>	<b>48</b>	<b>6</b>	<b>54</b>
<b>DRR</b>	<b>12</b>	<b>52</b>	<b>64</b>
<b>EO</b>		<b>1</b>	<b>1</b>
<b>Legal</b>	<b>47</b>	<b>44</b>	<b>91</b>
<b>OCFI</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>OCOM</b>		<b>2</b>	<b>2</b>
<b>OCRM</b>		<b>1</b>	<b>1</b>
<b>OIA</b>	<b>10</b>		<b>10</b>
<b>OIG</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>OLA</b>		<b>2</b>	<b>2</b>
<b>OMWI</b>	<b>18</b>		<b>18</b>
<b>OO</b>	<b>8</b>	<b>2</b>	<b>10</b>
<b>OPA</b>	<b>6</b>		<b>6</b>
<b>RMS</b>	<b>198</b>	<b>1093</b>	<b>1291</b>
<b>FDIC TOTAL</b>	<b>751</b>	<b>2211</b>	<b>2962 employees trained</b>



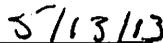
**PLAIN WRITING ACT OF 2010  
COMPLIANCE CERTIFICATION**

As an FDIC Division/Office Director, I certify to the following regarding my organization's compliance with the Plain Writing Act of 2010 (the Act) (Public Law Number: 111-274):

1. I am personally aware of the requirements of the Act;
2. I designated a Division or an Office Coordinator to serve as my organization's focal point for matters related to the Act;
3. I communicated with my employees, either personally or through my designee, about the provisions of the Act and its applicability to the FDIC;
4. I made a good faith effort, either personally or through my designee or responsible managers, to identify any "covered documents" prepared by my organization;
5. To the best of my knowledge, employees in my organization who prepare covered documents have taken a Plain Writing training course offered through Corporate University, and I, or my designee or responsible managers, will continue to ensure they are aware of the availability of this training;
6. Review officials in my organization consider the provisions of the Plain Writing Act when they review and modify covered documents;
7. To the best of my knowledge, I believe the employees in my organization are in compliance with the provisions of the Plain Writing Act; and,
8. To the extent any instances of non-compliance with the Act are identified, I (through my designee or responsible managers) will discuss these instances with the appropriate employees, provide further training opportunities as needed, and take action as necessary and appropriate to ensure compliance.

  
\_\_\_\_\_  
Signature of Division/Office Director

  
\_\_\_\_\_  
Division/Office

  
\_\_\_\_\_  
Date



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\_\_\_\_\_  
Mark Pearce, Director  
Division of Depositor and Consumer Protection

April 16, 2013



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\_\_\_\_\_  
Signature of Division/Office Director

OCFI  
Division/Office

5/3/2013  
Date



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Bret D Edwards  
Signature of Division/Office Director

DRR  
Division/Office

4/16/13  
Date



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Signature of Division/Office Director

Division of Insurance  
and Research  
Division/Office

April 30, 2013  
Date



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Signature of Division/Office Director

LEGAL  
Division/Office

4/26/13  
Date



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Division/Office

  
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Auleas Linton Kea  
Signature of Division/Office Director

DOA  
Division/Office

4/16/2013  
Date



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\_\_\_\_\_  
Signature of Division/Office Director

DIT  
Division/Office

5/16/13  
Date



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 Signature of Division/Office Director  
 Thomas Terwilliger, Ed.D.  
 Learning Officer, FDIC

  
 Division/Office

  
 Date

10/1/19

10/1/19

Copy

10/1/19  
10/1/19  
10/1/19



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Signature of Division/Office Director

  
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Division/Office

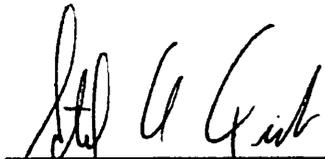
  
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Signature of Division/Office Director

OCRM  
\_\_\_\_\_  
Division/Office

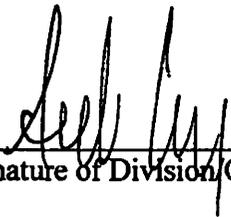
May 1, 2013  
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Date



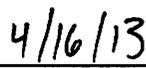
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Signature of Division/Office Director

  
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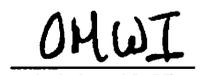


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Signature of Division/Office Director

  
Division/Office

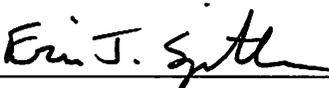
  
Date



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As the Director of the Office of Legislative Affairs, I certify to the following regarding my organization's compliance with the Plain Writing Act of 2010 (the Act) (Public Law Number: 111-274):

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\_\_\_\_\_  
Director  
Office of Legislative Affairs

4/18/13  
Date



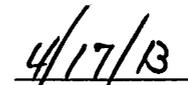
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3. I communicated with my employees, either personally or through my designee, about the provisions of the Act and its applicability to the FDIC;
4. I made a good faith effort to identify any "covered documents" prepared by my organization;
5. I required employees in my organization who prepare covered documents to take the Plain Writing training course offered through Corporate University and will continue to ensure they are aware of the availability of this training;
6. Review officials in my organization consider the provisions of the Plain Writing Act when they review and modify covered documents;
7. To the best of my knowledge, I believe the employees in my organization are in compliance with the provisions of the Plain Writing Act; and,
8. To the extent I identify any instances of non-compliance with the Act, I will discuss these instances with the appropriate employees, provide further training opportunities as needed, and take action as necessary and appropriate to ensure compliance.

  
Signature of Division/Office Director

  
Division/Office

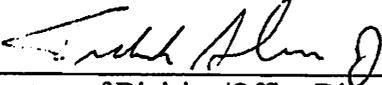
  
Date



**PLAIN WRITING ACT OF 2010  
COMPLIANCE CERTIFICATION**

As an FDIC Division/Office Director, I certify to the following regarding my organization's compliance with the Plain Writing Act of 2010 (the Act) (Public Law Number: 111-274):

1. I am personally aware of the requirements of the Act;
2. I designated a Division or an Office Coordinator to serve as my organization's focal point for matters related to the Act;
3. I communicated with my employees, either personally or through my designee, about the provisions of the Act and its applicability to the FDIC;
4. I made a good faith effort to identify any "covered documents" prepared by my organization;
5. I required employees in my organization who prepare covered documents to take the Plain Writing training course offered through Corporate University and will continue to ensure they are aware of the availability of this training;
6. Review officials in my organization consider the provisions of the Plain Writing Act when they review and modify covered documents;
7. To the best of my knowledge, I believe the employees in my organization are in compliance with the provisions of the Plain Writing Act; and,
8. To the extent I identify any instances of non-compliance with the Act, I will discuss these instances with the appropriate employees, provide further training opportunities as needed, and take action as necessary and appropriate to ensure compliance.

  
\_\_\_\_\_  
Signature of Division/Office Director

OIA  
Division/Office

04/22/13  
Date