

March 1, 2004

Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue, NW, Room 159-H  
Washington, DC 20580

Reference: FACTA Interim Final Rule Prohibiting Circumvention  
Project No. P044804

Gentlemen:

I'm commenting on your February 24, 2004, interim final rule as the Chair of the Plain Language Action and Information Network (PLAIN), a group advocating the use of plain language in Government communications. Many of the members of PLAIN work for Federal Government agencies.

Executive Orders 12866 and 12988 and the Presidential Memorandum of June 1, 1998 (61 FR 31885), require Federal agencies to use plain language in drafting regulations. Plain language has a solid record of reducing misunderstanding, improving compliance, fostering public trust government, and advancing other goals of Federal programs.

On behalf of PLAIN, I would like to commend you for using examples in the regulatory text of § 603.2(b). Examples are an excellent plain language technique for several reasons--

- *Clarity:* It is easy for an agency simply to state a rule. It leaves to the reader the work of figuring out how the rule applies. You made an extra effort to clarify how the rule applies in the real world by providing examples. Your readers should be able to quickly grasp whether the rule applies to their situation, and if so, how.
- *Relevance:* The rule allows readers to compare their situations with the ones described in the examples. The readers can quickly establish the relevance of the rule to their situations. When readers find your information has relevance, you are likely to be communicating effectively with them.

**Dr. Annetta Cheek, Chair, PLAIN**

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- *Economy:* The examples address the principal scenarios most readers will experience. In effect, you are anticipating frequently asked questions about the rule. This should save you the time and effort of responding individually to questions.
- *Construction:* You provide in § 603.1 a rule of construction that addresses the one main objection that we have heard to using examples in regulatory text. That is, that readers will see the examples as the only way the rule applies. Your rule of construction clarifies that the examples are not to be considered exhaustive, but illustrative. In this way you take advantage of the clarifying power of examples without raising concerns about how to interpret their inclusion in the rule.

PLAIN appreciates your efforts to make your regulations easier to understand. You are proving that plain language can make even the most complex regulations clear.

Sincerely,

Annetta Cheek, Ph.D.  
Chair

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