
Federal Register Document Drafting Handbook

October 1998 Revision

Making Regulations Readable

Note: These instructions will help you comply with the President's Memorandum of June 1, 1998 -- Plain Language in Government Writing .

In the Memorandum, the President directs the Federal Government to send a clear message about what it is doing, what it requires, and what services it offers.

Remember, plain language saves the Government and the private sector time, effort and money. For more in-depth guidance on the elements of plain language, read the National Partnership for Reinventing Government's "Writing User-Friendly Documents,.." available at http://www.blm.gov/nhp/NPR/wrtg_idx.html.

Readable regulations help the public find requirements quickly and understand them easily. They increase compliance, strengthen enforcement, and decrease mistakes, frustration, phone calls, appeals, and distrust of government. Everyone gains.

Of the seven techniques below for writing readably, two do the most to improve the look and sound of a regulation:

- Sections as questions and answers.
- "You" for whoever must comply.

You may wish to introduce these techniques when subparts or more of your regulations come due for revision. They will cause some stylistic inconsistency, but it will be temporary. Over time, you will improve entire regulations and, in turn, public productivity and Government credibility.

Craft the table of contents

The most difficult and most important part of writing a regulation comes at the start, as you think out the simplest way to get the results you seek. Your best tool is the table of contents. It is the outline that helps you to:

- C* *Include key topics.* Headings for sections and higher divisions appear in the table of contents, your reader's road map. Put key topics there, not in paragraphs. Aim the content at readers new to your regulation. You will be more likely to spell things out. When the Federal Communications Commission revised its regulation on citizens band radios, it added some recommended practices to the required ones and eliminated an entire handbook that had explained the earlier, spare regulation.
- C* *Group related topics.* Group long runs of sections, roughly ten or more, into parts or subparts. Typical groupings are by functions, organizations, and process stages. An especially helpful grouping is by type of readers. A regulation on loans might devote separate parts to borrowers, lenders, and the overseeing agency so each type of reader can go right to topics of interest. (The writer's challenge is to isolate each group's duties and avoid excessive repetition.)
- C* *Follow a logical order.* What do your readers need to know first, second, third, and so on? In the regulation on loans, sections might flow in many ways: from major matters to minor ones, from usual practices to rare or temporary ones, and (the most common way) from first step to last.
- *Avoid gaps, overlaps, and contradictions.* Can your reader move easily from one section to the next? Take these consecutive section headings: "Application," "Applicable criminal histories," and "Employment application." If *you* were a day-care operator who had to read those headings, could *you* tell them apart?

When you revise a regulation, go through it to strike outdated requirements and insert new ones. Your computer's redline function will help you keep track of changes. But once a regulation has undergone many piecemeal changes, the best revisions start with a blank computer screen. Rethink the content and structure with a reader's convenience in mind.

Use questions and other informative headings

Few readers study a regulation from beginning to end; most want to go right to whatever interests them. Like drivers on unfamiliar roads, they need lots of signs.

You will give readers those signs by using lots of sections. Section headings offer the double advantage of appearing in both the text and the table of contents. Headings are not required for paragraphs, but they are a good idea.

Beware of any heading that is a vague word or two. It forces readers new to your regulation to study whatever follows in search of what might apply to them. A key to clarity is longer, informative headings:

- For "Uses," try "Where you may use an off-highway vehicle."
- For "Scope," try "What does this regulation cover?"

Questions, with their subjects and predicates, make headings uncommonly informative. They provide a consistent way not only to identify topics but to say something about them. Many people think in question and answers, which makes them a natural way to design sections. Writers report that questions and answers promote step-by-step thinking that helps them spot omissions. "I" questions and "you" answers help readers see where they fit into the writing.

Examples:

§3172.1 May I apply for a spacing unit?

You may apply for a spacing unit if....

§101.1. What special definitions apply to this part?

Applicant means someone who....

Limit levels of paragraphs

Different levels of paragraphs clarify relative importance, allow pinpoint citations, and simplify revisions all while taking up little or no extra space. They are useful for identifying everything from steps and items to conditions and exceptions.

But avoid excessive levels of paragraphs. Rarely use three designated levels (a)(1)(i) and never use more. Create more sections instead. The example on the right simplifies the text and adds a heading to the table of contents:

§211.14 Who is liable? ...

- (a) an owner is liable for...
 - (1) The amount set by.
 - (i) The percentage of...
 - (ii) The portion of...

- (2) The special assessment by...
- (b) An operator is liable for...

§211.14 How is an owner liable?

- (a) The amount set by...
 - (1) The percentage of...
 - (2) The portion of.....
- (b) The special assessment by...

§211.15 How is an operator liable?

Use more tables and illustrations

If-then tables display complex relationships simply. Their side-by-side arrangement helps writers and readers alike to sort out multiple options, steps, conditions, and choices. Study the next example for its capitalization, punctuation, paragraph designations, and limited use of lines (horizontal ones only, solid and dotted):

(d) To see whether your transportation is an incidental expense or separately reimbursable, follow this table:

IF YOU...	AND IF YOU...	THEN TRANSPORTATION IS...
(1) don't discuss business at the place where you obtain a meal	can obtain a suitable meal at your place of lodging or business	an incidental expense
(2) don't discuss business at the place where you obtain a meal	can't obtain a suitable meal at your place of lodging or business	separately reimbursable
(3) do discuss business at the place where you obtain a meal		separately reimbursable

Flow charts, with their boxes and branches, clarify complex processes. Whether or not one appears in your regulation you should imagine a flow chart for your regulation to make sure you understand how all the parts fit the whole.

Use "you" for whoever must comply

Look for opportunities to write directly to "you," whoever must comply. The direct approach turns vague, passive statements of fact into pointed directions: "The plan must be followed [by whom?]" becomes "You must follow the plan" or "Follow the plan." With a fix on who is responsible, "you" will come naturally.

Write to one reader. Though you may regulate many thousands of people, only one of them reads your writing at any one time.

Here are a few ways to identify the "you":

- Use a definitions section. "You means a licensee."
- Use a section heading. "As a contracting officer, may I...?"
- Answer a section heading. "Who must follow this regulation? This regulation tells you, a lending institution, how to..."

To announce a new "you," use a heading or "if you are..." clause. Both appear in the following example:

§211.13 Who is liable for royalties due on a lease?

This section establishes who is liable for royalty payments due on production from a lease:

(a) *Record title owner*. If you are a title owner of a lease, you are liable for...

(b) *Operating rights owner*. If you own operating rights that were...

"You" is easiest to use in simple procedures and hardest when different readers share overlapping duties. Still, the word so focuses thinking and writing that it is among your most powerful tools.

Rely on active verbs

Limit passive verbs to a few per page. Sentences written with them do severe damage because they rarely say who or what does the verb's action. They assert vaguely that things "must *be requested*" or "may *be submitted*" or "will *be decided*." By whom? A passive verb has two parts:

- Any form of *to be* (*am, is, are, was, were, be, being, been*) PLUS
- The past participle of a main verb (most end in *-ed*).

Here are some ways to turn passive verbs into active ones:

- Put a doer before the verb. For "An arrangement must *be established*," try "You must establish an arrangement." For "After the forms *are received* by the control staff, they *are copied*," try "After the control staff receives the forms, the control staff copies them."
- Drop part of the verb. "The cancellation clause must be [~~included~~] in the basic contract."
- Change the verb. For "If you press Control-N, you *are shown* a blank screen," try "...you see a blank screen" or "...the computer shows you a blank screen.."

Control your sentences

Three techniques will help you write sentences that are clear in a single reading.

First, average about 15 words a sentence, and let any one sentence run beyond 30 words only if it ends in a parallel list. To keep the average down, use fewer words and more periods:

~~[It has been determined that] [t] (T)his is not a major amendment under Executive Order 12291 [because this amendment] (. It) will not result in an annual effect on the economy of \$100 million or more [or a significant] (. Nor will it significantly) increase ~~in~~ costs for consumers; industry; or Federal, State, and local government agencies.~~

Second, put two or more complicated qualifications *after* the main clause. In the next example, the original sentence forces readers to hold too much in their minds before they reach the late main clause. The revision puts the main clause first (and, for a further improvement, it should list the two conditions vertically).

(The courts generally will not find fraudulent intent when) [~~when~~] a taxpayer turns over all books and records or otherwise makes a full and complete disclosure of all of the facts to a third party to whom he or she has given the task of preparing the return [~~, the courts generally will not find fraudulent intent.~~]

Third, keep subjects and verbs together and compound verbs together. In the next example, the original sentence interrupts the compound verb "may take." The interruption belongs elsewhere but not right after "The Director," where it would separate the subject and verb.

(In accordance with the provisions set forth in part 104 of this chapter, the) [~~The~~] Director may [~~, in accordance with the provisions set forth in part 104 of this chapter,~~] take action against counsel for improper conduct in the course of an investigation.

Further improvements include shrinking "in accordance with the procedures set forth in" to "under" and "in the course of" to "during." Improvements like these last ones and a good many others are covered in the expanded NPR guidance "Writing User-Friendly Documents," available at http://www.blm.gov/nhp/NPR/wrtg_idx.html.