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Project Conclusion

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Project Conclusion

The original commission from the American Bar Foundation contemplated that this article would be merely a narrative of raw data set out in simple declaratory sentences. Whatever conclusions may be drawn from the research were to have been drawn by the readers rather than the researchers. To this extent the Project has attempted to set out objective findings and to minimize evaluative comments. The Project found, however, that the presentation of findings without some minimal evaluation was virtually impossible, if only to assist the reader in outlining and separating the textual material. As a result, some evaluative comments have been made in the individual agency studies.

Moreover, it would be improper to conclude research of this magnitude without at least a short venture into just that type of conclusion-drawing which the Project was originally admonished to avoid. It is in this spirit that the following comments on federal legislative drafting are made.

(1) There are no training programs available to new draftsmen, and most of the experienced draftsmen are rapidly nearing retirement age.

(2) There is little emphasis on having prescribed standards for the drafting of legislation, except in the cases of those departments which operate under codified titles.

(3) Generally, the legislative drafting sections of the various agencies are understaffed, and the overwhelming amount of the drafting is done by a few experienced draftsmen.

(4) Although draftsmen in some agencies are brought into the legislative process at a relatively early stage, it is important that the draftsmen be included at all critical stages of the process, including discussions with OMB officials and during the markup sessions in both the agency and congressional committees.

(5) The drafting of department regulations should be given the same close attention as the drafting of legislation for submission to Congress, and these regulations should be checked by experienced drafting personnel for legal and technical sufficiency.

(6) The process of legislation was adequate from the standpoint of time span from idea formulation to transmittal in final form to Congress. Each of the processes studied provided the draftsman with sufficient flexibility to meet legislative deadlines.

As noted in the introduction, this research by its very nature could not have been accomplished or even attempted without the cooperation and consent of each of the federal agencies involved. The agency personnel were helpful and

at times, when confronted with some of the ineptness and naiveté of the researchers, often long-suffering. The second stage of evaluative comments contributed by many persons were invaluable to the final compilation of the research. To all these persons the Project extends its thanks and appreciation.