

From: [Robert Rains](#)
To: [Emily Bremer](#); [Michael Merker](#)
Cc: [Scott Rafferty](#)
Subject: RE: Incorporation by Reference
Date: Monday, September 12, 2011 2:55:16 PM
Attachments: [image001.png](#)

Thank you Emily. I have had some contact with Scott and I will plan to attend this meeting on September 21st.

Rob

From: Emily Bremer [mailto:ebremer@acus.gov]
Sent: Monday, September 12, 2011 2:47 PM
To: Robert Rains; Michael Merker
Cc: Scott Rafferty
Subject: Incorporation by Reference

Dear Messrs. Rains and Merker,

Thank you for sharing your time and expertise with me as I researched the practice of incorporation by reference in federal regulations. I understand from Scott that you may already be aware of this, but a draft of my report on the subject has now been completed and is available on the Administrative Conference's website at:

<http://www.acus.gov/research/the-conference-current-projects/incorporation-by-reference/>

This report has been provided to our Committee on Administrative and Management. As I explained when we spoke, the committee will not adopt or approve my report, but will rather use the information it contains to draft a recommendation. The committee is under no obligation to accept the recommendations I have proposed in my report, but will rather exercise its own judgment to come to what it feels is an appropriate and workable recommendation. This recommendation will then be sent to the full Assembly of the Conference for debate and a vote at one of our upcoming semi-annual plenary sessions. It is currently targeted for our next Plenary, which will be held December 8-9, 2011.

The committee will meet to discuss the report and proposed recommendations on Wednesday, September 21 from 2 pm to 5 pm. To RSVP, please email Scott Rafferty, staff counsel to the committee, at srafferty@acus.gov, but please be aware that our space is limited, and we may not be able to accommodate everyone. We will, however, stream the meeting live on our website, and the video will be archived there for viewing after the meeting.

I strongly encourage you to submit comments on the draft report and recommendations to comments@acus.gov. We will share comments with our committee members and will post them on our website. We anticipate that the committee will need at least two meetings to come to a consensus on a recommendation. The second meeting will likely be at the end of October—I'll notify you of the date and time as soon as it is selected. If you are unable to submit comments

before the September 21 meeting, please consider submitting them before the second meeting.

If you have more informal reactions to the draft report—i.e., you think there's additional material or issues it should consider, or you note that I've gotten something wrong—please email me and let me know! I expect to revise the report as the committee's work goes forward, and I am more than happy to make modifications to ensure that the information contained in the report is complete and accurate. The version currently available is a draft, and your help making it better is welcomed!

Please feel free to forward this message to other colleagues whom you think might be interested.

Thank you again for your participation in this study. I look forward to continuing to work with you as the committee works to come to a consensus on the recommendation. If, as this process continues, you have an questions, concerns, or comments, please do not hesitate to contact me!

All the best,

Emily Schleicher Bremer | Attorney Advisor



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