

**AGENDA FOR SEVENTH AND FINAL  
FORMULA NEGOTIATED RULEMAKING SESSION**

1. The dates (January 13-16, 2004), times (8:30 a.m. to 7:00 p.m. for four days) and location (Las Vegas, Nevada) of the seventh and final session (not including post OMB and post Federal Register sessions, if determined necessary by the Committee through consensus) will be published in the Federal Register.
2. The Regional Co-Chairs have designated Mr. David Heisterkamp to assist the facilitators run the work sessions. Mr. Heisterkamp will not assert or in any way be involved in asserting any client's position.
3. The current issues list and the workbook format will be used. The workbook will be sent out by January 1 to all Committee members and the content placed on the internet. Unless there is consensus by the Committee to discuss other issues not on the list, issues (but not individual proposals and language) will be limited to those already on the list.
4. HUD and the Regional Co-Chairs will choose, by December 15, the order in which the issues will be discussed, notify Committee members and post this information on the internet. It is the intent of the Regional Co-Chairs to address the most challenging issues first.
5. In order for an issue to remain under consideration, one or more sets of proposed technical language (new or existing) must be drafted and submitted by a Committee member to the Regional Co-Chairs.
6. Limit discussion on each issue to 1.5 hours. If no consensus is reached during that time period, the issue will be held over until all issues are addressed. If time permits, the issue can then be brought up again only by the specific action of a Committee member. The facilitators shall determine at that time the order and the time devoted to such carryover issues.
7. The Regional Co-Chairs agree and explain that not agreeing on a discussed issue is not an endorsement or rejection by the Committee of the status quo. It is simply a reflection that there is a lack of consensus among the Committee members on the regulatory language under review. The net effect is that there is no change to the existing regulation in question.
8. All formula run requests by Committee members shall be requested by December 1 and completed by January 1. Though the Regional Co-Chairs can in unique circumstances request runs after this time, the absence of runs not requested by December 1 will not be grounds for delaying either a discussion or a vote on an issue.

9. Because of the limitation of time, Committee members and interested groups will be notified that they are encouraged to discuss proposals among themselves prior to the meeting and encouraged to try to reach compromises and agreements.
10. The draft proposed rule (preamble and regulatory text) shall constitute the report submitted to the Secretary by the Committee under section 566(f) of the Negotiated Rulemaking Act. Individual Committee members may provide any additional documentation they believe helpful to the rulemaking record for submission along with the draft proposed rule. These additional materials, however, will not be published in the Federal Register. Any issues that the Committee declares to be “non-consensus” or that otherwise remain “non-consensus” at the end of the session shall be recorded as such in the preamble to the draft proposed rule. The preamble to the draft proposed rule shall set out all sides of any “non-consensus” issue. Committee members are encouraged, prior to the start of this final session, to identify those issues which are most likely to be “non-consensus” and to prepare for this outcome by drafting suggested language for the preamble and sharing it with other Committee members. The drafting committee will be responsible for producing the final draft preamble and regulatory text of the proposed rule submitted to the Secretary.