

[DISCUSSION DRAFT]118TH CONGRESS
1ST SESSION**H. R.** _____

To establish a HUD Evaluation and Optimization Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DAVIDSON introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a HUD Evaluation and Optimization Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HUD Evaluation and
5 Optimization Commission Act of 2023”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 HUD Evaluation and Optimization Commission (in this
9 Act referred to as the “Commission”).

1 **SEC. 3. DUTIES.**

2 (a) IN GENERAL.—The Commission shall review—

3 (1) the current organizational structure of the
4 Department of Housing and Urban Development (in
5 this Act referred to as the “Department”), including
6 the functions and alignment of its offices, divisions,
7 task forces, and other departmental units, as well as
8 the duties of its senior level employees and employ-
9 ees in the Senior Executive Service;

10 (2) the current number, design, complexity, uti-
11 lization, and potential overlap of the programs ad-
12 ministered by the Department;

13 (3) the physical location of the Department’s
14 headquarters and field workspaces and their per-
15 sonnel; and

16 (4) the level and effectiveness of transparency,
17 oversight, and public accountability of the Depart-
18 ment and its programs with a focus on how best to
19 optimize the effectiveness of each area of review.

20 (b) ANALYSIS AND RECOMMENDATIONS.—The Com-
21 mission shall analyze the potential performance and cost-
22 efficiency benefits to be achieved through the reorganiza-
23 tion of the Department, including consolidation and re-
24 alignment of its programs, and issue recommendations re-
25 garding—

1 (1) changes to the Department’s organizational
2 structure to better serve program participants, pro-
3 tect taxpayers, and create operational efficiencies;

4 (2) process improvements the Department can
5 execute to better fulfill its statutory obligations and
6 mission to provide decent, safe, sanitary, and afford-
7 able housing;

8 (3) the reduction of fragmentation and overlap
9 between Department programs and between pro-
10 grams of other Federal agencies, and enhanced pro-
11 gram utilization;

12 (4) technology-based solutions to allow pro-
13 grams to operate more efficiently and effectively,
14 and to better serve eligible program participants;

15 (5) quantitative and qualitative measures of the
16 effectiveness of programs that provide housing for
17 very low-, low-, and moderate-income individuals and
18 families;

19 (6) reforms the Department can undertake to
20 prevent, to the maximum extent possible, a disrupt-
21 ive loss of benefits by program participants who ex-
22 perience income growth that may otherwise dis-
23 qualify them from such benefits (commonly referred
24 to as a “benefits cliff”);

1 (7) ways to improve the social and economic
2 outcomes for program participants, including actions
3 the Department can take to mitigate health and
4 safety risks to program participants and to foster
5 economic mobility and opportunity;

6 (8) improvements to enhance transparency,
7 oversight, and public accountability; and

8 (9) any such other action that would optimize
9 the effectiveness of the Department or its programs.

10 (c) **LIMITATION.**—In performing the analysis and
11 recommendations required under subsection (b), the Com-
12 mission may not recommend—

13 (1) a reduction in the current enacted levels of
14 spending for the Department or any of its programs,
15 or

16 (2) a reduction in the current aggregate num-
17 ber of employees of the Department.

18 (d) **REQUIRED REPORT.**—Upon an affirmative vote
19 of a majority of the members of the Commission, the Com-
20 mission shall submit to the Congress and make publicly
21 available the report required under section 8 containing—

22 (1) a detailed statement of the findings, conclu-
23 sions, and recommendations of the Commission; and

1 (2) the assumptions, scenarios, and alternatives
2 considered in reaching such findings, conclusions,
3 and recommendations.

4 **SEC. 4. MEMBERSHIP.**

5 (a) IN GENERAL.—The Commission shall be com-
6 posed of **[4 members]**, appointed as follows:

7 (1) The Speaker of the House of Representa-
8 tives shall appoint 1 member.

9 (2) The minority leader of the House of Rep-
10 representatives shall appoint 1 member.

11 (3) The majority leader of the Senate shall ap-
12 point 1 member.

13 (4) The minority leader of the Senate shall ap-
14 point 1 member.

15 (b) DISQUALIFICATIONS.—An individual may not be
16 appointed as a member of the Commission if the individual
17 was registered as a lobbyist under the Lobbying Disclosure
18 Act of 1995 (2 U.S.C. 1601 et seq.) at any time during
19 the 5-year period ending on the date of the appointment.

20 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

21 (1) ELECTION.—The members of the Commis-
22 sion shall elect a Chairperson and a Vice Chair-
23 person from among the members of the Commission.

1 (2) ABSENCE OF CHAIRPERSON.—The Vice
2 Chairperson shall serve as the Chairperson in the
3 absence of the Chairperson.

4 (d) DATE.—All members of the Commission shall be
5 appointed not later than 1 month after the date of the
6 enactment of this Act.

7 (e) TERMS.—Members shall be appointed for the life
8 of the Commission. Any vacancy in the Commission shall
9 not affect its powers, but shall be filled not later than 14
10 days after the date on which the vacancy occurs in the
11 same manner as the original appointment.

12 (f) COMPENSATION.—

13 (1) IN GENERAL.—Each member of the Com-
14 mission shall be compensated at a rate equal to the
15 daily equivalent of the annual rate of basic pay pre-
16 scribed for a position at level IV of the Executive
17 Schedule under section 5314 of title 5, United
18 States Code, for each day (including travel time)
19 during which such member is engaged in the per-
20 formance of the duties of the Commission.

21 (2) TRAVEL EXPENSES.—Members may be al-
22 lowed travel expenses, including per diem in lieu of
23 subsistence, in accordance with sections 5702 and
24 5703 of title 5, United States Code, while away from

1 their homes or regular places of business in perform-
2 ance of services for the Commission.

3 **SEC. 5. STAFF AND OUTSIDE SERVICES.**

4 (a) APPOINTMENT AND COMPENSATION OF STAFF.—

5 The Chairperson may appoint and fix the compensation
6 of a staff director and such other employees as may be
7 necessary to enable the Commission to carry out its func-
8 tions, without regard to the provisions of title 5, United
9 States Code, governing appointments in the competitive
10 service, but at rates not to exceed the annual rate of basic
11 pay prescribed for a position at level V of the Executive
12 Schedule under section 5316 of title 5 of the United States
13 Code.

14 (b) AGENCY ASSISTANCE.—Upon the request of the
15 Chairperson, the head of any agency may detail an em-
16 ployee of the agency to the Commission without reim-
17 bursement, and such detail shall be without interruption
18 or loss of civil service status or privilege.

19 (c) CONSULTANT, TEMPORARY, AND INTERMITTENT
20 SERVICES.—The Chairperson is authorized to procure the
21 services of experts and consultants and temporary and
22 intermittent services in accordance with section 3109 of
23 title 5, United States Code, but at rates not to exceed the
24 daily rate paid a person occupying a position at level V
25 of the Executive Schedule under section 5316 of title 5,

1 United States Code, for each day during which such con-
2 sultant or expert is engaged in the performance of the du-
3 ties of the Commission.

4 (d) FEDERAL ADVISORY COMMITTEE ACT.—The
5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
6 apply to the Commission.

7 **SEC. 6. MEETINGS.**

8 (a) INITIAL MEETING.—Not later than **[30 days]**
9 after the date on which all members of the Commission
10 have been appointed, the Commission shall hold the initial
11 meeting of the Commission.

12 (b) SUBSEQUENT MEETINGS.—The Commission shall
13 meet—

14 (1) at least **[once]** each **[month]**; or

15 (2) at the call of the Chairperson or the major-
16 ity of the members of the Commission.

17 (c) QUORUM.—A majority of the voting members
18 shall constitute a quorum, but a lesser number may hold
19 meetings.

20 (d) VOTING.—The Commission shall act only on an
21 affirmative vote of a majority of the members of the Com-
22 mission.

23 **SEC. 7. POWERS.**

24 (a) HEARINGS.—The Commission may, for the pur-
25 pose of carrying out this Act—

1 (1) hold such hearings, sit and act at such
2 times and places, take such testimony, receive such
3 evidence, and administer such oaths as the Commis-
4 sion considers advisable to carry out its duties; and

5 (2) require, by subpoena or otherwise, the at-
6 tendance and testimony of such witnesses and the
7 production of such books, records, correspondence,
8 memoranda, papers, documents, tapes, and materials
9 as the Commission considers advisable to carry out
10 its duties.

11 (b) INFORMATION FROM FEDERAL AGENCIES.—The
12 Commission may request directly, or require, by subpoena
13 or otherwise, from any Federal agency such information
14 as the Commission considers necessary to carry out its du-
15 ties. Upon a request of the Chairperson of the Commis-
16 sion, the head of a Federal agency shall furnish such infor-
17 mation to the Commission.

18 (c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

19 (1) ISSUANCE.—Subpoenas issued under sub-
20 section (a) or (b) shall bear the signature of the
21 Chairperson of the Commission and shall be served
22 by any person or class of persons designated by the
23 Chairperson for that purpose.

24 (2) ENFORCEMENT.—In the case of contumacy
25 or failure to obey a subpoena issued under sub-

1 section (a) or (b), the United States district court
2 for the judicial district in which the subpoenaed per-
3 son resides, is served, or may be found may issue an
4 order requiring such person to appear at any des-
5 ignated place to testify or to produce documentary
6 or other evidence. Any failure to obey the order of
7 the court may be punished by the court as a con-
8 tempt of that court.

9 (d) WITNESS ALLOWANCES AND FEES.—Section
10 1821 of title 28, United States Code, shall apply to wit-
11 nesses requested or subpoenaed to appear at any hearing
12 of the Commission. The per diem and mileage allowances
13 for witnesses shall be paid from funds available to pay the
14 expenses of the Commission.

15 (e) INFORMATION FROM CONGRESSIONAL BUDGET
16 OFFICE AND OFFICE OF MANAGEMENT AND BUDGET.—
17 The Commission may secure directly from the Congres-
18 sional Budget Office and Office of Management and
19 Budget such information, including estimates and anal-
20 ysis, as the Commission considers advisable to carry out
21 its duties. Upon request of the Chairperson of the Com-
22 mission, the Director of the Congressional Budget Office
23 or Office of Management and Budget shall furnish such
24 information, including estimates and analysis, to the Com-
25 mission.

1 (f) INFORMATION FROM LIBRARY OF CONGRESS.—
2 Upon the request of the Commission, the Librarian of
3 Congress shall provide to the Commission, on a reimburs-
4 able basis, administrative support services, research serv-
5 ices, and research staff necessary for the Commission to
6 carry out its responsibilities under this Act.

7 **SEC. 8. REPORTS.**

8 (a) INITIAL REPORT.—Not later than **[9 months]**
9 after the date of its initial meeting, the Commission may
10 submit to Congress an initial report containing its analysis
11 and preliminary recommendations under section 3.

12 (b) FINAL REPORT.—Not later than **[18 months]**
13 after the date of its initial meeting, the Commission shall
14 submit to Congress a final report containing its rec-
15 ommendations under section 3, and shall include in the
16 final report—

- 17 (1) a summary of its meetings and activities;
18 (2) a final accounting of the funds the Commis-
19 sion received and expended; and
20 (3) any other information that the Commission
21 considers to be appropriate.

22 **SEC. 9. TERMINATION.**

23 The Commission shall terminate **[30 days]** after sub-
24 mitting the final report pursuant to section 8(b).