

October 28, 2021

Ms. Elizabeth de Leon Bhargava
Assistant Secretary of Housing and Urban Development Designate
451 7th St SW,
Washington, DC 20410
c/o: Sarah Brundage

Dear Ms. Bhargava:

Thank you for testifying before the United States Senate Committee on Banking, Housing, and Urban Affairs on October 26, 2021, at our hearing to consider nominations.

To complete the hearing record, we would appreciate your answers to the enclosed questions by November 1, 2021 at 12:00PM. When formatting your response, please repeat the question, then your answer, single spacing both question and answer. Please do not use all capitals.

Send your reply to Mr. Cameron Ricker, the Committee's Chief Clerk. He will transmit copies to the appropriate offices, including the Committee's publications office. Due to current procedures regarding Senate mail, it is recommended that you send replies via e-mail in a Microsoft Word or PDF attachment to Cameron_Ricker@banking.senate.gov.

If you have any questions about this letter, please contact Mr. Ricker at (202) 224-5587.

Sincerely,

Sherrod Brown
Chairman

SB/cr

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Questions for Ms. Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development, from Chairman Sherrod Brown:

- 1) Where have you excelled in past positions in attracting, hiring, and promoting people of color in positions in your organization/s? Where might there be room for improvement?

I have worked on increasing opportunities for people of color and underrepresented and underserved communities for more than thirty years. As New York State (NYS) Deputy Secretary for Labor and Workforce, my portfolio included the Department of Civil Service, and as such I was responsible for more than 170,000 state workers across 96 state agencies. In August 2018, the NYS Governor signed into law an executive order creating the Office of Diversity and Inclusion Management to support NYS as an enterprise as well as at the agency level, in an effort to increase diversity in the workforce, promote respectful and inclusive work environments, and integrate equal opportunity and fairness principles into the State's programs and operational policies and practices. I led the engagement of all of our state agencies to create agency-specific diversity and inclusion plans that focused on attracting, hiring and promoting people of color and importantly, fostering a respectful and inclusive workplace.

Throughout my career as an attorney, I have worked closely with the Latino Justice Organization to host their summer pre-law students program which addresses the underrepresentation of Latinos and Latinas in the legal profession. As a NYS employee, I became aware that many people of color within my networks were not aware of potential advancement opportunities and career ladders available to employees. To address this gap, I worked to identify people of color in my network to educate them on the opportunities within NYS and the inclusive and respectful environment that we were creating, and encourage them to pursue positions at all levels within the NYS government.

As a college student at Binghamton University, four other students and I founded a program focused on exposing young people from underrepresented communities to the college experience. The organization was named JUMP Nation (Juvenile Urban Multicultural Program) and it engages 8th graders to attend a leadership conference and then provides them with a college mentor that can provide support and encouragement throughout their high school years, while introducing them to higher education. JUMP Nation is in its 30th year and has since expanded to Syracuse University.

During my tenure as NYS Deputy Secretary, when creating the agency-specific diversity and inclusion plans and the hiring campaign, I took important steps to improve our ability to attract, hire, and promote people of color as well as members of other underrepresented and underserved groups. However, there is always room for improvement. Diversity and inclusion is ongoing work that requires consistent and persistent effort. I will leverage the lessons I learned in this position and, if confirmed, I will work with the Secretary, the Deputy Secretary and my colleagues at HUD to define inclusive values and behavioral expectations, rethink the way things have always been done, and enable transparency in how we track goals - to ensure we are continually making meaningful and long-lasting progress forward.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

- 2) What specific measures will you use to evaluate the success of the Department of Housing and Urban Development (HUD) in understanding and addressing the needs of Black, Indigenous and people of color (BIPOC)? And, will you work with the Secretary and senior officials to keep Congress apprised, as appropriate, on the progress being made on these measures?

If confirmed, I look forward to working with the Secretary, Deputy Secretary, and my colleagues across the Department to advance HUD's mission and to implement President Biden's Executive Order on Diversity, Equity, Inclusion and Accessibility in the Federal Workforce.

I would work closely with the staff of the Office of Administration, specifically the Office of the Chief Human Capital Officer, as well as HUD's Office of General Counsel and Director of the Office of Departmental Equal Employment Opportunity, to strengthen HUD's ability to recruit, hire, develop, promote, and retain diverse talent and remove barriers to equal opportunity. I would also seek to understand what data is being collected in this important area and work collaboratively to identify appropriate metrics to measure the Department's progress.

If confirmed, I commit to working with the Secretary, Deputy Secretary, and senior officials at HUD to keep Congress appropriately apprised on the progress being made and how we can work together to remove barriers and obstacles.

- 3) What is your plan for creating an inclusive working environment for employees within your office?

In my role as NYS Deputy Secretary for Labor and Workforce, I led the engagement of all our state agencies to create agency-specific diversity and inclusion plans fostering a respectful and inclusive workplace. If confirmed, I would bring that experience and leadership to the Office of Administration to ensure that we are providing an example for the entire Department. This would include fostering a sense of belonging within the office, providing training to managers and supervisors on how to foster an inclusive working environment, and intentionally demonstrating our commitment to diversity, equity, inclusion, and accessibility in all we do.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Questions for Ms. Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development, from Ranking Member Patrick Toomey:

Congressional Oversight

- 1) Please provide your philosophy on how the Office of the Assistant Secretary for Administration will approach and respond to Congressional information requests (both for documentary information and oral testimony), if you are confirmed.

I recognize the important role that Congress plays in reviewing and monitoring the work of administrative agencies, including HUD. If confirmed, I would work to ensure the Office of the Assistant Secretary for Administration cooperates with the HUD offices in charge of responding to such requests and that our team assists those offices to respond to Congressional information requests in a timely and transparent manner, consistent with applicable law and regulation.

- 2) If confirmed, do you intend to respond to information requests differently depending on who is making the Congressional information request (whether it's the chair of the Congressional committee, the ranking member, or another member of Congress)? Please answer "yes" or "no." If your answer is "yes," please explain.

If confirmed, I would work to ensure the Office of the Assistant Secretary for Administration cooperates with the HUD offices in charge of responses to Congressional information requests, and that we assist those offices to do so in a way that is consistent with applicable law and regulation.

- 3) Will you commit that, if confirmed, you will timely respond to and fully comply with all information requests from me? Please answer "yes" or "no." If your answer is "no," please explain.

If confirmed, I would work to ensure the Office of the Assistant Secretary for Administration cooperates with the HUD offices in charge of evaluating Congressional information requests and coordinating such responses, and that we assist those offices to diligently respond to Congressional information requests, consistent with applicable law and regulation.

- 4) Will you commit that, if confirmed, you will make yourself and any other Office of the Assistant Secretary for Administration employee expeditiously available to provide oral testimony (including but not limited to briefings, hearings, and transcribed interviews) to the Committee on any matter within its jurisdiction, upon the request of either the Chairman or Ranking Member? Please answer "yes" or "no." If your answer is "no," please explain why.

I recognize the important role that Congress plays in reviewing and monitoring the work of administrative agencies, including HUD. If confirmed, I would work in consultation with the HUD offices in charge of evaluating Congressional requests and coordinating such responses to ensure the Office of the Assistant Secretary for Administration responds to Congressional information requests, consistent with applicable law and regulation.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

- 5) Do you believe that the Office of the Assistant Secretary for Administration may assert any privileges or other legal justifications to withhold information (whether records or oral testimony) from Congress? Please answer “yes” or “no.”

If confirmed, I will work with HUD’s Office of General Counsel to ensure that the Office of the Assistant Secretary for Administration provides all the information necessary for such determinations to be made. As an effective public servant, I recognize that it is important to respond to Congressional requests, but I would defer to the Office of General Counsel on whether the Office of the Assistant Secretary for Administration has any such privileges or other legal justifications.

- 6) If you answered “yes” to the preceding question, please list every such privilege or other legal justification and provide the legal basis for why you believe the Office of the Assistant Secretary for Administration may use such privilege or legal justification to withhold information from Congress.

n/a

- 7) In an effort to be open and transparent with Congress and the public, will you commit not to assert any such privilege or legal justification against Congress that you listed above? If not, why not? If so, please identify all such privileges or legal justifications that you will commit to not assert against Congress.

I commit to lead the Office of the Assistant Secretary for Administration, if confirmed, with transparency and openness, consistent with applicable law and regulation. As an effective public servant, I would defer to the appropriate office for making such determinations, the Office of General Counsel, on whether the Office of the Assistant Secretary for Administration has any privileges or other legal justifications for withholding information.

HUD Staffing Retention Issues

- 8) From 2008 through 2017, HUD lost 18.5 percent of its staff, more than any other Cabinet-level department. During this time, total staff government-wide grew by 11 percent. According to recent reports, nearly a quarter of HUD’s workforce is eligible to retire. That estimate will grow to 45 percent of HUD staff in just five years.

- a. Do you think it’s prudent to appropriate \$150 billion or more to HUD—which is roughly three times the HUD’s annual budget—when so many staff responsible for administering these funds may just retire overnight?

If confirmed, I will work with the Secretary, Deputy Secretary, and my colleagues across the Department to ensure that HUD has the capacity to efficiently and effectively deploy all appropriated funds in ways that effectively advance HUD’s mission to create strong, sustainable, inclusive communities and quality affordable homes for all. The services of HUD are more

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

important than ever, and I will work to make sure that we can hire, train, and retain staff and procure the services necessary to deliver on HUD's mission.

HUD is fortunate to have many employees who have accumulated enough experience to qualify for retirement, as this means the agency is doing well in retaining employees with long-standing experience, and in complying with legal prohibitions against age-based employment discrimination.

I agree with Secretary Fudge that recruiting and retaining the best talent is imperative to rebuilding HUD's workforce and fulfilling its mission. If confirmed, I would work with the Office of Administration to increase HUD's hiring capacity, and to review the hiring process so as to strengthen efficiencies such as reducing the number of steps to hire a new employee. If confirmed, I will work with the team to continue taking positive steps forward to grow HUD's workforce, while retaining institutional knowledge.

- b. Can HUD effectively administer these programs given the very real risk of staff attrition? If so, what is your plan to help ensure that staff turnover does not adversely impact HUD's ability to responsibly administer these programs and protect taxpayer resources against waste, fraud, and abuse?

If confirmed, I will work with the Secretary, Deputy Secretary, and my colleagues across the Department to ensure that HUD has the capacity to efficiently and effectively deploy all appropriated funds to advance HUD's mission to create strong, sustainable, inclusive communities and quality affordable homes for all and ensure HUD is protecting taxpayer resources.

Further, it will be critical to minimize the impact of any turnover by focusing first on the methodical preservation of the teams' institutional knowledge, and then the effective dissemination of that knowledge.

- 9) HUD has additional challenges hiring staff quickly. HUD's average time-to-hire in FY2019 exceeded OPM's goal by 61 days. It takes nearly five months, on average, to get staff on-boarded at HUD. With very clear hiring challenges, why should Congress trust HUD is capable of quickly hiring people to administer billions more in taxpayer dollars?

If confirmed, I will work with the Office of the Chief Human Capital Office (OCHCO), which is a part of the Office of Administration, to understand the current procedures, barriers, and opportunities for improvement in HUD's hiring process. I will also evaluate and contribute to the resources OCHCO needs to lead the hiring process. I will also work with my colleagues in the Office of the Chief Financial Officer and Office of the Chief Information Officer to identify the resources and technology necessary to deliver efficiently on HUD's hiring needs.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Minimum Wage and Paid Family Leave

10) Your biography notes that you were “integral in securing New York’s historic minimum hourly wage increase to \$15” and that you “led the establishment of New York’s Paid Family Leave program.”

- a. Isn’t it true that a requirement for paid family leave will reduce either compensation or a different benefit because a company can only reserve so much for this purpose?

New York Paid Family Leave is insurance that is fully funded by employees through payroll deductions. My responsibility, if confirmed, will be to ensure that HUD is complying with Congress’ mandate in an efficient and effective way that ensures the retention and recruitment of a highly qualified and diligent workforce.

- b. If not, where do businesses get the money to cover this expense from?

Please see the response above.

Work Requirements for HUD Programs

11) Do you support requiring able-bodied adults without dependents to work or, at a minimum, look for work, in order to receive taxpayer-funded housing benefits? If you do not, why not?

Policy development of program requirements do not fall under the Office of Administration. My responsibility, if confirmed, would be to support HUD in its hiring, training, and retention of staff and procuring the services necessary to deliver on HUD’s mission.

12) Many people are on waitlists to receive housing subsidies from HUD. Why should able-bodied adults without dependents who choose not to work receive taxpayer-subsidized housing instead of others in greater need of assistance?

Management of waitlists do not fall under the Office of Administration. My responsibility, if confirmed, would be to support HUD in its hiring, training, and retention of staff and procuring the services necessary to deliver on HUD’s mission.

HUD Procurement Issues

13) Procurement challenges are extraordinary for HUD’s grantees. Public housing agencies (PHAs) routinely mismanage or steer lucrative contracts to favored vendors. The District of Columbia Housing Authority is one of the more recent examples of PHAs plagued by fraud and abuse in the last few weeks. The New York City Housing Authority (NYCHA) – for which Senator Schumer wants to secure a \$40 billion earmark in the Democrats’ reconciliation bill – is another. Community Development Block Grant-Disaster Relief (CDBG-DR) program grantees also fail to follow federal procurement standards or equivalent standards. HUD’s Inspector General (IG) discovered that Puerto Rico – which

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

received almost \$20 billion for CDBG-DR – lacked a written procurement policy and had deficiencies in 100 percent of the files they sampled. But HUD fares no better than its grantees. In 2019, HUD even identified risks in inadequate oversight of vendors and third-party service providers.

- a. What steps must HUD take to better address contracting challenges when the HUD is set to administer another \$150 billion or more from the Democrats’ partisan reconciliation bill?

If confirmed, I will oversee the Office of the Chief Procurement Officer (OCPO), which is responsible for obtaining all contracted goods and services required by the Department efficiently and in the most cost-effective manner possible to enable the Department to deliver on its mission.

I will begin by conducting a comprehensive assessment of the procurement system in order to identify areas where we can maximize competition on procurement bids, ensure competitive rates, streamline, gain efficiencies, improve transparency and increase participation of small or disadvantaged businesses.

14) HUD has a history of hiring people who defraud the government. A former HUD contracting specialist was recently sentenced two years ago for accepting bribes in return for preferential treatment by bidders on HUD’s contracts.¹ Another was sentenced last year for getting section 8 voucher payments and hiding that from the government.² What steps should HUD take to safely manage contracts and ensure its own people do not engage in criminal conduct?

If confirmed, I will work with the Secretary, Deputy Secretary, General Counsel and my colleagues across the Department, to ensure the proper training, oversight and controls are in place to protect taxpayer resources and ensure the highest level of ethical conduct.

Answering Questions for the Record

Please describe with particularity the process by which you answered these questions for the record, including identifying who assisted you in answering these questions along with a brief description of their assistance.

I prepared my answers. They were then reviewed through an interagency process in consultation with counsel.

¹ <https://www.justice.gov/usao-dc/pr/former-hud-employee-sentenced-24-months-accepting-bribes-government-contractor>

² <https://www.justice.gov/usao-hi/pr/former-hud-employee-sentenced-66-months-prison-fraud-and-identity-theft>

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Questions for Ms. Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development, from Senator Robert Menendez:

- 1) 1. In recent years, HUD relocated key multifamily housing staff from its office in Newark to the New York regional office. New York and New Jersey have very different housing needs and challenges. We need to have adequate HUD boots on the ground that are familiar with New Jersey's unique needs and don't only focus on New York.
 - a. Ms. Bhargava, what specific steps will you take to ensure that the Newark office has the staff it needs and that New Jersey remains a priority at HUD?
 - b. Will you commit that if you are confirmed you will look at this issue with an eye for addressing New Jersey's housing needs?

Having staff in the field is critically important to HUD and its mission. Field staff are the eyes and ears on the ground and have the pulse of what is happening in a community and provide a place for residents to go to for services.

I understand that the Obama administration undertook the transformation of Multifamily Housing with the goal to improve its performance to better serve our need for quality and affordable rental housing. However, it has been several years since implementation. If confirmed, I would commit to looking at this issue with an eye for addressing New Jersey's housing needs. I would discuss with the Secretary and Deputy Secretary the need to review HUD's field staffing in New Jersey so as to understand what is working and where there is a need for more staff. If confirmed, I would assess the steps HUD could take to ensure that we are investing in our staff and achieving our objectives to provide high quality and well-distributed services to residents and communities.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Questions for Ms. Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development, from Senator Elizabeth Warren:

- 1) Please describe how you intend to ensure HUD is equipped with a workforce of the proper size and composition to ensure the agency can meet the increased demand for HUD programs and services.

We're in a time of great workplace upheaval that crosses industries and sectors. At the same time, the services of HUD are more important than ever and require a ready and evolving workforce to deliver on our mission. Throughout my career in public service, I have addressed similar challenges, and if confirmed, I look forward to bringing that expertise and leadership to HUD.

If confirmed, I will look across HUD at current staffing and internal operations to make sure that the workforce is sufficient to manage the workload and protect the agency and taxpayers from risk. I will work with Secretary Fudge and the Deputy Secretary to identify the resources HUD needs to attract, retain and develop a workforce that is able to carry out its work.

If confirmed, I will begin by collaborating with the different program offices at HUD to assess the current state of talent and open positions in order to align job skills, experience and training with HUD's mandate. This will involve exploring how to reorient and increase the efficacy of various functions and processes and reimagine functional job descriptions and laddering. I would also examine the HUD employee life cycle (recruiting, onboarding, laddering, developing/training, retaining and offboarding). I believe in establishing an organizational culture, systems and ingrained behaviors that are aligned with equity, inclusion and belonging, and to institute practices that are deeply aligned with the Department's mission.

I will work in partnership with my team to define the values, processes, and procedures to expand HUD's workforce to meet an expanded mission.

Committee on Banking, Housing, and Urban Affairs
Nominations Hearing
October 21, 2021

Questions for Ms. Elizabeth de Leon Bhargava, of New York, to be an Assistant Secretary of Housing and Urban Development, from Senator Steve Daines:

- 1) What wasteful or inefficient practices do you intend to eliminate or reform within your areas of the Department.

If confirmed, I look forward to working with the Secretary, Deputy Secretary, and the staff of the Office of Administration to undertake a comprehensive review of the hiring and procurement practices in the Office, learn more about the process improvement procedures in place, and, if inefficiencies are identified, I will work to reform them. I will also review and carefully consider recommendations made by the Office of the Inspector General.

- 2) You have commented that improving employee morale and work environment are central tenets of your goal to retain staff. What methods do you intend to use to achieve this objective?

If confirmed, I will work with the Secretary, Deputy Secretary, my team in the Office of Administration and my colleagues across the Department to ensure we are prioritizing employee morale and creating a diverse, equitable, inclusive and accessible workplace. These methods may include: providing additional resources to support employee well being; enhancing leadership development and training opportunities for all HUD employees, especially supervisors and managers; and executing an effective Diversity, Equity, Inclusion and Accessibility Strategic Plan as outlined in President Biden's Executive Order and in compliance with all applicable law and regulations.

- 3) Do you expect to instate mandated employee trainings and will they be required of subcontractors and grantees as well?

I am not familiar with HUD's policies on mandated employee training and whether they require training of the subcontractors and grantees. If confirmed, I will assess the trainings required for HUD employees, and work with the Secretary, Deputy Secretary, and my team in the Office of Administration to determine what, if any, changes should be made.

- 4) Researchers across the Montana University System have worked extensively with Cross Laminate Timber (CLT) to create a highly versatile, and durable building material. If confirmed, will you commit to thoroughly consider incorporating CLT products into your technical assistance to your local housing partners?

Thank you for this information. If confirmed, I would not manage an office that plays a role in providing technical assistance to local housing partners. However, if confirmed, I would work to ensure that information of this type when shared with my office would be passed on to the appropriate offices, in a manner that is consistent with statutory, regulatory and ethical requirements.