



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

April 9, 2024

The Honorable Bryan Steil
Chairman
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Steil:

Thank you for your March 12, 2024, letter to the U.S. Department of Education (the Department) regarding use of Federal Work-Study (FWS) funds. Your letter was forwarded to me, and I am pleased to respond and clarify certain points from the Department's recent Dear Colleague Letter (DCL) on FWS for nonpartisan voter registration. Please note that an identical response has been provided to the co-signers of your letter.

As you state, in 2022, the Department issued a DCL clarifying that, if a student is employed directly by a postsecondary institution, the institution may compensate a student for FWS employment involving nonpartisan voter registration activities that take place on or off-campus. The public interest requirement in the Higher Education Act of 1965 (HEA) does not apply if the institution is the employer. The Department is not aware of any restrictions on this activity prior to the 2022 guidance.

In 2024, the Department issued a DCL on Use of FWS Funds for Voter Registration. We issued this DCL after we received several letters seeking clarification on the circumstances under which FWS funds may be used to support nonpartisan civic engagement work, including a bipartisan letter from 18 Secretaries of State and another letter from 19 members of Congress.

The DCL clarifies that FWS funds may be used for employment by a government entity – that is, a Federal, State, or local public agency, or Tribal public agency – for civic engagement work that is not associated with a particular interest or group.² The 2024 DCL only allows those activities you mention – broad-based get-out-the-vote activities, voter registration, providing voter assistance at a polling place or through a voter hotline, or serving as a poll worker – if the student is employed by a government entity that performs this work, which is already funded with taxpayer dollars. This DCL does not authorize taxpayer dollars to be used for targeted voter registration drives or get-out-the-vote activities that would benefit or be associated with any one faction in an election for public or party office. Therefore, the examples you provide in your letter, of a student working with nonpartisan non-governmental entities, would not be permitted.

² [Use of Federal Work-Study Funds for Voter Registration | Knowledge Center](#)

The DCL is aligned with the HEA and the Department's current regulations. As you note, Section 443(b)(1) of the HEA states that, for FWS jobs where the student is not employed directly by the postsecondary institution, the work must be in the "public interest." The Department's regulations, at 34 CFR 675.22(a), reinforce that, if a student is employed by a Federal, State, or local public agency, or a private nonprofit organization, the work that the student performs must be in the "public interest," which is defined as "work performed for the national or community welfare rather than work performed to benefit a particular interest or group." Specifically, under 34 CFR 675.22(b)(5), election-related work is excluded as work in the public interest only if it "involves any partisan or nonpartisan political activity or is associated with a faction in an election for public or party office." The guidance that the Department issued applies only to election-related activities that are not associated with a faction in an election for public or party office.

Furthermore, under 34 CFR 675.22(b)(2), work is not in the public interest if it is for an elected official, unless the official is responsible for the regular administration of a Federal, State, or local government. The Federal Student Aid Handbook states that "regular administration" means the official is directly responsible for administering a particular function. Generally, working for a Secretary of State or local election official's office, for example on voter registration and election administration, would be functions that are under the "regular administration" of those officials.

Given that this work is permissible only when it is within the scope of work of a government or tribal agency and only when it is not associated with a faction in an election for public or party office, it is not permissible for FWS funds to be used to "tip the scale in favor of a candidate, position, or party," as suggested in your letter. Rather, the DCL is consistent with the language in the Department's regulations that specify use of these funds for "work performed for the national or community welfare rather than work performed to benefit a particular interest or group" and is consistent with the civic engagement goals of the FWS program.

Thank you again for your interest in this important issue. We have also attached documents that are responsive to your request. In the meantime, if you have further questions, please contact the Department's Office of Legislation and Congressional Affairs at (202) 401-0020.

Sincerely,

A handwritten signature in black ink, appearing to read "Nasser H. Paydar", enclosed in a thin black rectangular border.

Nasser H. Paydar
Assistant Secretary, Office of Postsecondary Education

Enclosures