



UNITED STATES DEPARTMENT OF EDUCATION

THE UNDER SECRETARY

August 15, 2022

The Honorable Rodney Davis  
Ranking Member  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Davis:

Thank you for your letter dated June 15, 2022, to Secretary Miguel Cardona requesting that the U.S. Department of Education (Department) clarify efforts it has made in implementing Executive Order (E.O.) 14019, and address specific questions related to those efforts. Your letter has been referred to me, and I am pleased to respond.

To date, the only action taken by the Department with regard to E.O. 14019 is publication of a Dear Colleague letter (GEN-22-05) addressing requirements for distribution of voter registration forms. The letter primarily reminds institutions of the requirement in section 487(a)(23) of the Higher Education Act of 1965 that institutions participating in the Federal student financial aid programs “make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.” The letter also responds to inquiries about the ability to use Federal Work-Study to employ students in nonpartisan voter registration activities. Second, it provides links to online resources developed and managed by Federal agencies on voter registration, participation, and nonpartisan volunteer opportunities such as becoming a poll worker.

Your specific questions are addressed below.

- **Has the Department submitted a plan in response to the EO? If yes, has the agency made any updates to the plan originally submitted? If the answer is yes, what changes have been made? Please provide copies of the plan submitted, including all changes or updates.**

We are currently in the process of developing a plan.

- **What statutory authorities enable the Department to engage in voter registration and share election information? How does engaging in activities related to voter registration further the agency’s mission?**

The Department’s Overview and Mission Statement includes, “Establishing policies on Federal financial aid for education, and distributing as well as monitoring those funds.” Issuance of guidance relevant to the statutory requirements enacted by Congress is consistent with the Department’s mission.

- **Has the Department estimated the amount of funding it will require to implement these plans? If so, please send the estimate. Where will the funding come from?**

Although we have yet to submit a plan, we do not anticipate that any elements of such a plan will require funding.

- **The EO directs agencies to consider soliciting and facilitating approved, third-party organizations and state officials to provide voter registration services on agency premises. What are the criteria for such approval, including the responsible parties or clearance process for such approval? Please provide a list of third-party entities that have been solicited and a list that have been approved, to date.**

We have not taken any steps to solicit or approve voter registration activities in the Department's facilities.

- **Which states, if any, have requested assistance for voter registration from the Department, and what specific, assistance was requested?**

To date, no state has requested assistance for voter registration from the Department.

- **Have proper steps been taken to ensure that the actions taken by the Department's employees do not violate the Hatch Act? If so, please provide a detailed description of the steps taken.**

We maintain ongoing awareness outreach to Department employees with respect to the Hatch Act. Our intranet site (available only to Department employees) provides an overview of the Act and contains hyperlinks to lists of Hatch Act Permitted and Prohibited Activities for Federal Employees, "The Hatch Act and the New ED Electronic Environment," the U.S. Office of the Special Counsel's Web page on the Hatch Act, and a Hatch Act training course developed by the Department's Office of the General Counsel Ethics Division. Training and other resources are available to Department employees at <https://osc.gov/Services/Pages/Outreach-Resources.aspx>.

Thank you for the opportunity to answer your questions on this important topic. If you have further questions or need additional assistance, please contact the Office of Legislation and Congressional Affairs at (202) 401-0020.

Sincerely,



James Kvaal