

United States Senate

WASHINGTON, DC 20510

May 10, 2023

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

On March 7, 2021, you signed Executive Order 14019 on “Promoting Access to Voting,” which, in part, directs federal agencies to submit strategic plans to the White House describing how they will use taxpayer-funded resources to “promote voter registration and participation.” Because such a policy directive merits congressional oversight both as a general matter and under the Antideficiency Act, we write to request additional information regarding the implementation of this executive order, including copies of the plans submitted to your office.

Executive Order 14019 instructs federal agencies to engage in voter mobilization and submit a voter registration and participation plan to the White House by September 2021. The Order provides examples of activities in which the agencies are expected to engage, including publicizing information regarding mail-in ballots, soliciting and facilitating the registration of voters through third-party organizations and state officials, and requiring that agencies formally notify states that the agency will agree to serve as a voter registration entity under the National Voter Registration Act if requested to do so by the state.

First, while we all agree that increased voter participation is a good thing, the job of federal agencies is to perform their defined missions in a nonpartisan way, not use their taxpayer funds for clandestine voter mobilization and election-turnout operations. This is especially true if such federally funded efforts involve partnering with nongovernmental organizations with unclear and potentially partisan motives and tactics. Therefore, reviewing the agency plans is critical to understanding the degree to which implementation of this order has resulted in improper uses of federal resources.

Though the White House has kept these plans hidden, a few pieces of information have emerged, which themselves prompt questions.

For example, in a January 2022 press release, the Small Business Administration (SBA) announced that “as the first federal agency to request designation as a voter agency,” the SBA would begin using its district offices to provide “small business owners and others” with “the services they need to ensure their voices are heard at the ballot box and fair representation for their communities.”¹ What kind of information and services are being provided at taxpayer-funded SBA offices to advance these goals? Are SBA employees providing these services on official time?

¹ <https://www.sba.gov/article/2022/jan/20/one-year-later-biden-harris-administration-sba-have-prioritized-equitable-recovery-centered#:~:text=As%20the%20first%20federal%20agency,fair%20representation%20for%20their%20communities>

The Department of Health and Human Services (HHS) announced plans to designate public health centers as “voting access hub[s].”² What exactly does this entail and how many taxpayer dollars have been repurposed to transform public health centers into “voting access hub[s]?”

While increased voter participation is a worthy goal, it is not the job of HHS to drive voter turnout. And it seems that implementation of this executive order may effectively involve government in partisan politics and divert valuable agency resources from their intended mission.

Second, it seems doubtful that Congress approved all federal agencies to use appropriated funds for the purpose of voter mobilization.

The Antideficiency Act (31 U.S.C. § 1341(a)(1)(A)) prohibits “making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law.”

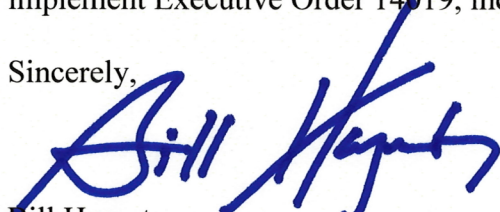
Executive Order 14019 directs more than 600 federal agencies to engage in voter registration and mobilization efforts, despite a lack of congressional appropriation or authorization for these agencies to engage in such activity. An officer or employee who violates the Antideficiency Act is subject to administrative and potential criminal penalties, which underscores the need for transparency regarding these plans.

So that Congress can determine the voter mobilization and electioneering activities to which your Administration has devoted taxpayer resources, we respectfully request the following information developed in accordance with Executive Order 14019 by May 23, 2023:

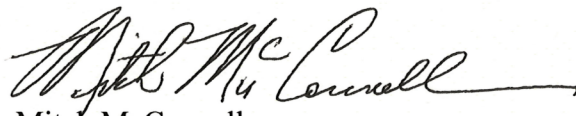
- 1) Full copies of all federal agency “strategic plans” required under Section 3 and a list of which agencies have not yet submitted a strategic plan;
- 2) The strategic plan required by the General Services Administration under Section 5;
- 3) The recommendations provided by the Office of Personnel Management under Section 6; and
- 4) All procedures established by the Attorney General under Section 9.

Furthermore, we respectfully request a full accounting of all federal funding used to-date to implement Executive Order 14019, including the accounts from which the funding was used.

Sincerely,



Bill Hagerty
United States Senator



Mitch McConnell
Senate Republican Leader

² <https://news.bloomberglaw.com/health-law-and-business/boosting-voter-turnout-gets-hhs-push-following-call-from-biden>



Deb Fischer
United States Senator



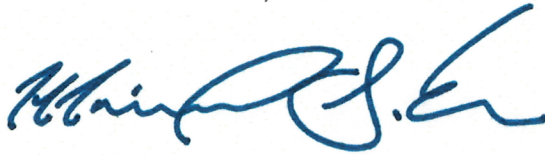
Ted Budd
United States Senator



Rick Scott
United States Senator



Mike Braun
United States Senator



Mike Lee
United States Senator



Cindy Hyde-Smith
United States Senator



Shelley Moore Capito
United States Senator



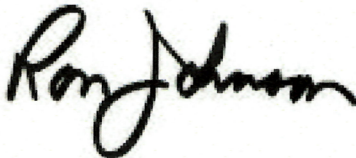
Roger F. Wicker
United States Senator



James Lankford
United States Senator



Ted Cruz
United States Senator



Ron Johnson
United States Senator



Katie Boyd Britt
United States Senator