

Congress of the United States

Washington, D.C.

November 14, 2023

Mr. Willie Jett
Commissioner of Education
Minnesota Department of Education
400 NE Stinson Blvd.
Minneapolis, MN 55413

Dear Commissioner Jett:

Feeding Our Future, a Minnesota-based nonprofit organization, participated in the Federal Child Nutrition Programs, and according to the U.S. Attorney's Office for the District of Minnesota (U.S. Attorney), allegedly defrauded the United States Department of Agriculture's (USDA) Food and Nutrition Service (FNS) of over \$250 million.¹ The U.S. Attorney has charged 60 individuals with federal crimes for benefiting personally from an illegal scheme that diverted \$250 million of Federal Child Nutrition Program funds away from feeding hungry children.² Given these disturbing events impacting some of our nation's most vulnerable, we write today for information as we continue our oversight of the USDA's and the Minnesota Department of Education's (MDE) administration of Federal Child Nutrition Programs and Feeding Our Future.

The Child and Adult Care Food Program³ and Summer Food Service Program⁴ are taxpayer-funded, state administered programs within the FNS that provide meals to eligible children and adults through approved local providers. They are designed to operate as a partnership among the federal government, designated state agencies, and approved local providers of meals to adults and children.

¹ Off. Of Pub. Affs., *U.S. Att'y Announces Fed. Charges Against 47 Defendants in \$250 Million Feeding Our Future Fraud Scheme*, U.S. DEP'T OF JUST. (Sept. 20, 2022), <https://www.justice.gov/opa/pr/us-attorney-announces-federal-charges-against-47-defendants-250-million-feeding-our-future>.

² *Id.*; Off. Of Pub. Affs., *Shakopee Couple Indicted for Their Roles in \$250 Million Feeding Our Future Fraud Scheme*, U.S. DEP'T OF JUST. (Oct. 19, 2022), <https://www.justice.gov/usao-mn/pr/shakopee-couple-indicted-their-roles-250-million-feeding-our-future-fraud-scheme>; Off. Of Pub. Affs., *Blaine Man Indicted for His Role in \$250 Million Feeding Our Future Fraud Scheme*, U.S. DEP'T OF JUST. (Oct. 28, 2022), <https://www.justice.gov/usao-mn/pr/blaine-man-indicted-his-role-250-million-feeding-our-future-fraud-scheme>; Off. Of Pub. Affs., *U.S. Att'y Announces Fed. Charges Against 10 Additional Defendants in \$250 Million Feeding Our Future Fraud Scheme*, U.S. DEP'T OF JUST. (Mar. 13, 2023), <https://www.justice.gov/usao-mn/pr/us-attorney-announces-federal-charges-against-10-additional-defendants-250-million>.

³ Richard B. Russell National School Lunch Act §17, 42 U.S.C. §1766.

⁴ Richard B. Russell National School Lunch Act §13, 42 U.S.C. § 1761.

The FNS and MDE are required to conduct oversight of program operations. MDE has the authority under program statutes and regulations to take actions to safeguard program funds and to also engage other state and federal entities with specific legal authority to conduct investigations of fraud or criminal wrongdoing. We are investigating how MDE manages and exercises oversight over the Child and Adult Care Food Program and Summer Food Service Program.

In March 2020, in response to the pandemic, Congress provided additional flexibility to states and local organizations to provide nutritious meals. Congress allowed child nutrition programs to switch from in-person service to non-congregate models and authorized waivers, thereby relaxing the checks and balances that were otherwise designed to ensure that funding goes to feeding needy students and adults. Unfortunately, this flexibility made it possible for fraud and improper payments.

These allegations raise many questions about the management of these programs at the USDA and MDE, and perhaps in other states. In this case, it is unclear how the FNS and its partnering state agency, MDE, failed to prevent this fraud, which has been described as the “largest COVID-19 fraud scheme in the nation.”⁵

The Committees on Agriculture,⁶ Education and the Workforce,⁷ and Oversight and Accountability⁸ have jurisdiction under Rule X of the Rules of the House of Representatives to conduct oversight of these matters.

It is our understanding that Minnesota’s Office of the Legislative Auditor (OLA) has initiated a review of MDE’s oversight of the nonprofit organization Feeding Our Future. To assist our oversight of the *Richard B. Russell National School Lunch Act*⁹ and the MDE’s management and oversight of the Child and Adult Care Food Program and Summer Food Service Program, please provide to us all documents you provided to OLA for its review of MDE’s oversight of Feeding Our Future (instructions attached) no later than November 27, 2023.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

⁵ U.S. DEP’T OF JUST., *supra* note 1.

⁶ Rules of the House of Representatives, 118th Cong. at 6, 9-10 (Jan. 10, 2023).

⁷ *Id* at 7, 9-10.

⁸ *Id* at 8-11.

⁹ 42 U.S.C. §§ 1751 note-1769j.

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Should you have any questions, please contact Patricia Straughn with the Committee on Agriculture at 202-225-2171, or Gabriella Pistone with the Committee on Education and the Workforce at 202-225-4527, or Daniel Ashworth with the Committee on Oversight and Accountability at 202-253-1855.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on Education and
the Workforce



James Comer
Chairman
U.S. House Committee on Oversight and
Accountability



Glenn "GT" Thompson
Chairman
U.S. House Committee on Agriculture



Brad Finstad
Chairman
Subcommittee on Nutrition, Foreign
Agriculture, and Horticulture
U.S. House Committee on Agriculture



Tom Emmer
Member of Congress



Michelle Fischbach
Member of Congress



Pete Stauber
Member of Congress

Attachment

cc: The Honorable Tim Walz, Governor of Minnesota