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U.S. House of Representatives
Committee on Agriculture
Subcommittee on Nutrition, Oversight, and
Department Operations
Room 1301, Longworth House Office Building
Washington, DC 20515-6001

(202) 225-2171

October 9, 2020

The Honorable Sonny Perdue
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Perdue,

We write to express deep concerns over the U.S. Department of Agriculture's (USDA) Farmers to Families Food Box (FFFB) Program.

On July 21, 2020, the House Agriculture Subcommittee on Nutrition, Oversight, and Departmental Operations hearing revealed that this program had, at best, mixed results in serving hungry families, and was rife with operational problems. In the first two rounds of FFFB contracts, USDA awarded multimillion-dollar contracts to companies with no prior food experience,¹ with food banks reporting that some boxes of food contained spoiled food² and that many contractors did not coordinate "last mile" distribution to deliver the boxes to hungry families.³ Instead of working with Congress to remedy these concerns, USDA threw another \$1 billion into the program and managed to create even more problems for food banks, distributors, and hungry families.

On July 24th, USDA announced that it would be revamping the program in the third round to address last mile distribution as well as nonprofit access to all types of food boxes. After USDA's announcement of the contracts awarded in the third round on September 17th,⁴ the

¹ *Multimillion-dollar food bank delivery contracts go to firms with little experience*, Politico (May 14, 2020). Available at: <https://www.politico.com/news/2020/05/13/usda-food-bank-contracts-256452>.

² *An Overview of the Farmers to Families Food Box Program*: Hearing Before the House Committee on Agriculture, Subcommittee on Nutrition, Oversight, and Department Operations (July 21, 2020) (oral testimony of Eric Cooper, President and CEO, San Antonio Food Bank). Available at: <https://agriculture.house.gov/calendar/eventsingle.aspx?EventID=1934>.

³ *An Overview of the Farmers to Families Food Box Program*: Hearing Before the House Committee on Agriculture, Subcommittee on Nutrition, Oversight, and Department Operations (July 21, 2020) (testimony of Matt Habash, President and CEO, Mid-Ohio Foodbank). Available at: <https://docs.house.gov/meetings/AG/AG03/20200721/110913/HHRG-116-AG03-Wstate-HabashM-20200721.pdf>

⁴ U.S. Department of Agriculture, *USDA Announces Contracts for Round 3 of Farmers to Families Food Box Program* (September 17, 2020). Available at: <https://www.usda.gov/media/press-releases/2020/09/17/usda-announces-contracts-round-3-farmers-families-food-box-program>.

Subcommittee has been flooded with concerns from distributors and food banks: local distributors successfully serving their communities in Rounds 1 and 2 were confused why they were not awarded contracts in Round 3 and why contracts went to multinational food distributors;⁵ food banks that had received FFFB food boxes in Rounds 1 and 2 were perplexed why they were no longer receiving boxes; and food banks and other non-profits, as well as food box recipients are outraged that the food boxes they did receive contained self-promoting messages signed by President Donald J. Trump just weeks before the presidential election.⁶

At every opportunity, the USDA has chosen to delay and hold up this Subcommittee's review and oversight into this program, and has opted to politicize feeding hungry families in America. For these reasons, we are requesting the following information from USDA:

1. At the July 21st hearing, the Subcommittee asked for a list of the non-profits working with contractors in the first and second rounds of the FFFB program. Administrator Bruce Summers stated that USDA would compile that list.⁷ The Subcommittee followed up with the same question in its July 31, 2020 Questions for the Record. Over two months later, the Subcommittee has received neither a response nor an update on the status of this request. We are again asking for a list of all non-profits (including any governmental entities) that received food boxes from FFFB contractors in Rounds 1 and 2, the address of each non-profit, and how many boxes each non-profit received.
2. On August 14th, a letter signed by over 45 members of Congress, including many members of this Committee, was sent to USDA asking 10 questions about the inclusion of a letter signed by President Donald J. Trump in FFFB food boxes.⁸ In your response dated September 11th, you answered none of the 10 questions.⁹
 - a. We are again requesting that USDA respond to the 10 questions in the August 14th letter.
 - b. Provide all written and electronic communications between USDA and the White House or the Office of Management and Budget related to FFFB food boxes. Written and electronic communications include but are not limited to emails, calendar invitations, messages in any workspace chat or videoconferencing application such as Microsoft Teams, and text messages.
3. On August 28th, the House Agriculture Subcommittee Chair on Nutrition, Oversight, and Departmental Operations sent a letter to USDA requesting additional information on the

⁵ *Federal funding, lifelines for Bay Area farms, redirected to big corporations*, San Francisco Chronicle (October 2, 2020). Available at: <https://www.sfchronicle.com/food/article/USDA-cuts-funding-for-local-farms-feeding-15614157.php>.

⁶ *Trump requires food aid boxes to come with a letter from him*, Politico (October 1, 2020). Available at: <https://www.politico.com/news/2020/10/01/trump-letter-food-aid-boxes-424230>.

⁷ *An Overview of the Farmers to Families Food Box Program: Hearing Before the House Committee on Agriculture, Subcommittee on Nutrition, Oversight, and Department Operations* (July 21, 2020) (oral testimony of Bruce Summers, Administrator for USDA's Agricultural Marketing Service). Available at: <https://agriculture.house.gov/calendar/eventsingle.aspx?EventID=1934>.

⁸ Letter to The Honorable Sonny Perdue (August 14, 2020). Available at: https://fudge.house.gov/uploads/Letter%20to%20USDA%20on%20Farmers%20to%20Families%20Food%20Box%20Letter%20Signed%20By%20President%20Trump_08.14.20.pdf.

⁹ See Attachment A.

third round of contracts. On September 22nd, you responded that USDA had not yet issued any solicitations to Basic Ordering Agreement (BOA) holders and had not yet entered into any contracts with BOA holders in Round 3, when in fact USDA had announced approved contracts for Round 3 of the FFFB program on September 17th. Again, we request that USDA provide the following information for each contract in Round 3:

- a. The name of the contractor;
 - b. The total amount of the contract;
 - c. The name of address of each non-profit and government entity partnering with the BOA holder under the contract; and
 - d. The number of food boxes that will be delivered to each non-profit or government entity under the contract.
4. In an October 1st news report, Texas Public Radio (TPR) reported that documents appeared to show CRE8AD8 may have misrepresented its prior food distribution experience to USDA when obtaining its \$39.1 million FFFB contract in Round 1. We request the following:
- a. All documents USDA provided in response to TPR's Freedom of Information Act (FOIA) request;
 - b. A detailed description of what actions USDA has taken or is taking to determine whether any contractor, including CRE8AD8, provided misleading or false information to the USDA in obtaining a contract in the FFFB program; and
 - c. A detailed explanation of what actions USDA has taken to address situations in which USDA has determined that an entity has submitted misleading or false information to the USDA in the FFFB program.
5. USDA's Round 3 solicitation required that pricing on the food boxes cover "all inspection, transportation, distribution costs, and all 'last mile' delivery."¹⁰ However, we continue to hear from food banks that many contractors are leaving food banks on the hook for last mile delivery costs. For example, we are aware that one or more representatives from CityServe, a subcontractor working with FFFB contractors in Round 3, has been cold-calling food banks to take truckloads of food to distribute immediately, leaving food banks responsible for last mile delivery.
- a. Describe in detail how food banks or non-profit entities can report noncompliance of the last mile delivery requirement to USDA and how USDA handles such reports.
 - b. Explain in detail what steps is USDA doing to ensure that all contractors cover the last mile delivery of food boxes into the hands of the food insecure population in Round 3.
6. We are aware that a CityServe privacy agreement states that "the contact and address information of our partnering organizations . . . will not be shared with anyone but the

¹⁰ U.S. Department of Agriculture, Combined Synopsis/Solicitation 12-3J14-20-B-0588 Families to Famers Food Boxes. Available at: https://www.ams.usda.gov/sites/default/files/media/FFFB_solicitationRound3.pdf.

prime contractor and only for the purpose of logistically scheduling and delivering F2F boxes. When the Farmers to Families program is completed CityServe and the Prime Contractor will delete the information”¹¹

- a. Describe in detail how USDA is obtaining information for all FFFB distribution sites and the names and addresses of all non-profits and government entities delivering FFFB boxes to the individual end user of the box.
- b. Explain how USDA is able to confirm the delivery of food boxes and audit the FFFB program if CityServe and the FFFB contractor cannot share the contact and address of their partnering organizations.

We have been waiting for months for responses to many of these questions and expect an answer to these questions as expeditiously as possible. We expect your office to update Committee staff regularly on the status of any of these questions that you cannot provide responses to within 14 days of electronic receipt of this letter.

Thank you for your attention to this matter, and we look forward to your responses.

Sincerely,



Marcia L. Fudge
Chair
House Agriculture Committee
Subcommittee on Nutrition, Oversight, and
Department Operations



James P. McGovern
Member of Congress



Alma S. Adams
Member of Congress



Jahana Hayes
Member of Congress

¹¹ See Attachment B.



Kim Schrier
Member of Congress



Al Lawson, Jr.
Member of Congress



Jimmy Panetta
Member of Congress