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MICHAEL RULLI, OHIO



COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILI LI CAMACHO SABLÁN,  
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MARK TAKANO, CALIFORNIA  
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NEW MEXICO  
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FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

September 4, 2024

The Honorable Tim Walz  
Governor of Minnesota  
130 State Capitol  
75 Rev Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Governor Walz,

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of the United States Department of Agriculture's (USDA) and the Minnesota Department of Education's (MDE) administration of federal child nutrition programs (FCNP) and Feeding Our Future (FOF).<sup>1</sup>

As the chief executive and the highest ranking official in the state of Minnesota, you are responsible for the MDE and its administration of FCNPs. Article V Section 3 of the Constitution of the State of Minnesota which lays out the powers and duties of the governor, states in part that the governor "may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to his duties," and "he shall take care that the laws be faithfully executed."<sup>2</sup>

Copies of our letters to the MDE were sent to you for your awareness of our oversight of the USDA's and the MDE's administration of the FCNP and oversight of FOF.<sup>3</sup> You are well aware of the multi-million-dollar fraud that has occurred under your tenure as Governor.<sup>4</sup>

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<sup>1</sup> Federal Child Nutrition Programs are collectively the Child and Adult Care Food Program and the Summer Food Service Program.

<sup>2</sup> M.N. Const. art. 5, § 3.

<sup>3</sup> Letter from Chairwoman Foxx et al. to Willie Jett, Comm'r, Minn. Dep't of Educ. (Nov. 14, 2023) (on file with Committee staff); Letter from Virginia Foxx et al., Chairwoman, Comm. on Educ. and the Workforce, to Willie Jett, Comm'r, Minn. Dep't of Educ. (June 12, 2024),

[https://edworkforce.house.gov/uploadedfiles/letter\\_to\\_mn\\_ed\\_department\\_6.12.24.pdf](https://edworkforce.house.gov/uploadedfiles/letter_to_mn_ed_department_6.12.24.pdf).

<sup>4</sup> Susie Jones, *Governor Walz says they need to do better following scathing reports on Feeding Our Future and Frontline Worker pay*, NEWS TALK 830 WCCO (June 18, 2024),

<https://www.audacy.com/wccoradio/news/local/governor-responds-to-scathing-audit-feeding-our-future-fraud>.

On November 14, 2023, and June 14, 2024, letters were sent to MDE requesting information regarding its handling of the FCNP and the FOF fraud.<sup>5</sup> The documents we have received to date indicate the actions taken by you and other executive officers were insufficient to address the massive fraud.<sup>6</sup>

Statements in the press by you and your representatives indicate that you and other executive officers were involved, or had knowledge of, MDE's administration of the FCNP and responsibilities and actions regarding the massive fraud. When you were asked about your decision of not holding agencies accountable and if MDE employees would be disciplined, you replied, "This wasn't malfeasance."<sup>7</sup> You also stated, "There's not a single state employee that was implicated in doing anything that was illegal. They simply didn't do as much due diligence as they should've."<sup>8</sup> According to press reports, however, one of your spokespersons said your administration "has already made many of the corrective actions suggested by the OLA [Office of the Legislative Auditor] and taken 'strong steps to find and eliminate any remaining vulnerabilities in government programs.'"<sup>9</sup>

The Committee has been unable to obtain substantive responsive materials in the many voluntary requests made in this matter.

The Committee must now compel the production of responsive documents that will show the extent of the actions taken by you and your administration relating to MDE's administration of the FCNP and the extent of your responsibilities and actions addressing the massive fraud that resulted in the abuse of taxpayer dollars intended for hungry children.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of all matters involving "education... generally" to inform potential legislation.<sup>10</sup> The fraud in the FCNP is within the Committee's jurisdiction and is a "subject on which legislation 'could be had.'"<sup>11</sup>

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<sup>5</sup> Letters, *supra* note 3.

<sup>6</sup> M.N. Const, art. 5, § 1

<sup>7</sup> Kelly Smith, 'We can always do better,' Gov. Tim Walz says of Education Department after report criticizes oversight of Feeding Our Future, STAR TRIBUNE (June 18, 2024), <https://www.startribune.com/we-can-always-do-better-gov-tim-walz-says-of-education-department-after-report-criticizes-oversight-of-feeding-our-future/600374449>

<sup>8</sup> *Id.*

<sup>9</sup> Torey Van Oot, "Failed to act": Audit blasts Minn. Government over biggest pandemic fraud case, AXIOS TWIN CITIES (June 14, 2024), <https://www.axios.com/local/twin-cities/2024/06/14/feeding-our-future-fraud-minnesota-department-education-audit>.

<sup>10</sup> Rules of the U.S. House of Representatives, 118<sup>th</sup> Cong. at 6, 7, 9-12 (Jan. 10, 2023).

<sup>11</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

The Honorable Tim Walz

September 4, 2024

Page 3 of 3

Attached is a subpoena compelling production of the documents and communications delineated in the attached schedule no later than 12:00 p.m. on September 18, 2024.

Sincerely,



Virginia Foxx

Chairwoman

U.S. House Committee on Education  
and the Workforce

Attachments

**SUBPOENA**

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA**

To The Honorable Tim Walz, Governor, State of Minnesota

You are hereby commanded to be and appear before the  
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515

Date: September 18, 2024

Time: 12:00 p.m. EDT

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To the U.S. Marshal Service, or any authorized Member or congressional staff

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at  
the city of Washington, D.C. this 3<sup>rd</sup> day of September, 2024.

Virginia Foxe

Chairman or Authorized Member

Attest:

Kenneth F. McCalister

Clerk

## PROOF OF SERVICE

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Subpoena for

The Honorable Tim Walz, Governor, State of Minnesota

Address 130 State Capitol, 75 Rev. Dr. Martin Luther King Blvd, St. Paul, MN 55155

before the Committee on Education and the Workforce

*U.S. House of Representatives  
118th Congress*

---

Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address 2176 Rayburn House Office Building, Washington D.C. 20515

In accordance with the attached Schedule instructions and definitions, you, Tim Walz, Governor, State of Minnesota, are required to produce all documents and communications described below in your possession, custody, or control, in complete and unredacted form:

1. All documents and communications with Minnesota Department of Education (MDE) referring to Feeding our Future (FOF and/or FOF sites);
2. All documents and communications with U.S. Department of Agriculture (USDA) referring to FOF and/or FOF sites;
3. All documents and communications with the Minnesota Department of Health referring to FOF sites;
4. All documents and communications referring to Judge John Guthmann;
5. All documents and communications referring to MDE's decision to resume payments to FOF;
6. All documents and communications with the FBI referring to allegations involving fraud committed by FOF and/or FOF sites;
7. All documents and communications with the Minnesota Attorney General referring to allegations involving fraud committed by FOF and/or FOF sites;
8. All documents and communications referring to FOF partnering with the "Refugee Resettlement Taskforce from Governor Walz's Office;"
9. All documents and communications referring to the awarding by Governor Walz of an "Outstanding Refugee Entrepreneurship Award" in 2021 to Ayan Abukar;
10. All documents and communications used to determine the accuracy of the statement made by Governor Walz that "there was no malfeasance" on the part of MDE;
11. All documents and communications used to determine the accuracy of the statement by Governor Walz that "There's not a single state employee that was implicated in doing anything that was illegal;"
12. All documents and communications referring to the discipline or termination of any Minnesota state employee as a result of the FOF fraud;
13. All documents and communications referring to whether or not to respond to Congressional oversight requests referring to MDE, FOF, any other sponsor organizations, FOF food sites, or other FCNP sites; and

14. All documents and communications with state-elected officials referring to FOF sites participating in in the FCNP.

## **Instructions for Responding to a Subpoena**

### **U.S. House Committee on Education and the Workforce**

#### **118th Congress**

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
  - b. Document numbers in the load file should match document Bates numbers and file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document:



BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the subpoena should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the subpoena was served.
8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to the Majority General Counsel at [mindy.barry@mail.house.gov](mailto:mindy.barry@mail.house.gov) and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to the Minority General Counsels at [ilana.brunner@mail.house.gov](mailto:ilana.brunner@mail.house.gov) and [christian.haines@mail.house.gov](mailto:christian.haines@mail.house.gov).
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date

specified in the subpoena and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from January 1, 2017, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, forms, spreadsheets, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices,

transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term "communication" in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms "and" and "or" in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms "person" or "persons" in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term "identify" in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
26. The terms "referring" or "relating" in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term "employee" in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.

28. The terms "you" and "your" in the subpoena, the schedule, or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
29. The term "federal child nutrition program" in the subpoena, the schedule, or the instructions refer to the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP).
30. The terms "Feeding Our Future" and "FOF" in the subpoena, the schedule, or the instructions refer to the Feeding Our Future organization, firm, corporation, partnership, association, department, or other legal entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
31. The terms "Minnesota Department of Education" and "MDE" in the subpoena, the schedule, or the instructions refer to the Minnesota Department of Education firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
32. The terms "United States Department of Agriculture" and "USDA" in the subpoena, the schedule, or the instructions refer to the USDA firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA's Midwest Regional Office and the Food and Nutrition Service.
33. The terms "United States Department of Agriculture Office of Inspector General" and "USDA OIG" in the subpoena, the schedule, or the instructions refer to USDA OIG firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA OIG's Headquarters and Midwest Regional Office.

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MAJORITY MEMBERS:

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*Chairwoman*

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COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

September 4, 2024

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

Dear Commissioner Jett:

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of the U.S. Department of Agriculture's (USDA) and the Minnesota Department of Education's (MDE) administration of federal child nutrition programs (FCNP) and Feeding Our Future (FOF).

Documents previously provided to the Committee by MDE in January 2024 have led to additional inquiries regarding both the USDA's and MDE's involvement in the FOF fraud. On June 12, 2024, the Committee requested additional information to further its investigation.<sup>1</sup>

On June 24, 2024, the Committee identified and emailed a list of priority documents and information already requested in the June 12, 2024, letter but not yet produced.<sup>2</sup> On June 25, 2024, and August 9, 2024, the Committee received two additional productions of documents. Despite these productions, the documents and information provided to the Committee do not explain how your agency and the USDA failed to identify what has been described as the largest pandemic fraud in the nation.<sup>3</sup>

The MDE's production of information has been neither timely nor fully responsive. Accordingly, the Committee is invoking compulsory process.

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<sup>1</sup> Letter from Virginia Foxx et al., Chairwoman, Comm. on Educ. and the Workforce, to Willie Jett, Comm'r, Minn. Dep't of Educ. (June 12, 2024),

[https://edworkforce.house.gov/uploadedfiles/letter\\_to\\_mn\\_ed\\_department\\_6.12.24.pdf](https://edworkforce.house.gov/uploadedfiles/letter_to_mn_ed_department_6.12.24.pdf).

<sup>2</sup> Email from Comm. staff to Adosh Unni, Dir. Of Gov't Rels., Minn. Dep't of Educ. (June 24, 2024) (on file with Committee).

<sup>3</sup> 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>.

Mr. Willie Jett  
September 4, 2024  
Page 2 of 2

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of all matters involving “education... generally” to inform potential legislation.<sup>4</sup> The fraud in the FCNP is within the Committee’s jurisdiction and is a “subject on which legislation ‘could be had.’”<sup>5</sup>

Attached is a subpoena compelling production of the documents and communications delineated in the attached schedule no later than 12:00 p.m. on September 18, 2024.

Sincerely,



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

Attachments

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<sup>4</sup> Rules of the U.S. House of Representatives, 118<sup>th</sup> Cong. at 6, 7, 9-12 (Jan. 10, 2023).

<sup>5</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

**SUBPOENA**

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA**

To Willie Jett, Commissioner, Minnesota Department of Education

You are hereby commanded to be and appear before the  
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515  
Date: September 18, 2024 Time: 12:00 p.m. EDT

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

To the U.S. Marshal Service, or any authorized Member or congressional staff

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at  
the city of Washington, D.C. this 3<sup>rd</sup> day of September, 2024.

Virginia Foxx

Chairman or Authorized Member

Attest:

Kenn F. McCulbe

Clerk

## PROOF OF SERVICE

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Subpoena for

Willie Jett, Commissioner, Minnesota Department of Education

Address 400 NE Stinson Blvd, Minneapolis, MN 55413

before the Committee on Education and the Workforce



*U.S. House of Representatives  
118th Congress*

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Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address 2176 Rayburn House Office Building, Washington D.C. 20515

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In accordance with the attached Schedule instructions and definitions, you, Willie Jett, Commissioner, Minnesota Department of Education (MDE), are required to produce all documents and communications described below in your possession, custody, or control, in complete and unredacted form:

1. All documents and communications referring to Feeding our Future (FOF) and/or FOF sites;
2. All documents and communications referring to allegations involving fraud committed by FOF or FOF sites referring the information to any other outside agency;
3. All documents and communications with the U.S. Department of Agriculture (USDA) referring to FOF and/or FOF sites;
4. All documents and communications referring to Judge John Guthmann;
5. All documents and communications with the Minnesota Department of Health referring to FOF sites;
6. All documents and communications around FOF occurring subsequent to the ruling of April 21, 2021, in the case of Feeding Our Future v. Minnesota Department of Education, Case No. 62-CV-20-5492;
7. All FOF site applications for FCNP;
8. All documents and communications with USDA referring to FOF;
9. All versions of the "Game Plan Document;"
10. All documents and communications regarding FOF and/or FOF sites relating to any audit, inspection, or oversight conducted by USDA OIG;
11. All documents and communications with any official or entity within the state of Minnesota, referring to allegations involving fraud committed by FOF and/or FOF sites;
12. All documents and communications referring to MDE resuming payments to FOF;
13. All documents and communications with Governor Walz referring to allegations involving fraud committed by FOF and/or FOF sites;
14. All documents and communications from Governor Walz's office referring to FOF partnering with the Refugee Resettlement Task Force;
15. All documents and communications referring to the awarding by Governor Walz of an "Outstanding Refugee Entrepreneurship Award" in 2021 to Ayan Abukar;

16. All documents and communications referring to the discipline or termination of any MDE employee as a result of the FOF fraud;
17. All documents and communications referring to whether or not to respond to Congressional oversight document and information requests referring to MDE, FOF, any other sponsor organizations, FOF sites, or other FCNP sites;
18. All documents and communications referring to Partners in Nutrition (d/b/a Partners in Quality Care) (PIN/PIQC) and allegations involving fraud committed by FOF and/or FOF sites;
19. All documents and communications with state-elected officials referring to FOF sites participating in FCNP;
20. The contents of the folder “Nutrition, Health and Youth Development Investigation;”
21. The contents of folder 9-1843;
22. All documents and communications referring to the September 2023 court case in which PIN/PIQC appealed MDE’s decision on Child and Adult Care Food Program December 2021 claims for reimbursement;
23. All documents and communications referring to performance bonds secured by FOF as required under FCNP; and
24. All documents and communications between FOF and MDE referring to FOF’s expectations that food site contracts would exceed \$250,000.

## **Instructions for Responding to a Subpoena**

### **U.S. House Committee on Education and the Workforce**

#### **118th Congress**

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
  - b. Document numbers in the load file should match document Bates numbers and file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the subpoena should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the subpoena was served.
8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to the Majority General Counsel at [mindy.barry@mail.house.gov](mailto:mindy.barry@mail.house.gov) and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to the Minority General Counsels at [ilana.brunner@mail.house.gov](mailto:ilana.brunner@mail.house.gov) and [christian.haines@mail.house.gov](mailto:christian.haines@mail.house.gov).
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date

specified in the subpoena and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from January 1, 2017, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, forms, spreadsheets, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices,

transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term "communication" in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms "and" and "or" in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms "person" or "persons" in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term "identify" in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
26. The terms "referring" or "relating" in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term "employee" in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.

28. The terms "you" and "your" in the subpoena, the schedule, or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
29. The terms "federal child nutrition program" and "FCNP" in the subpoena, the schedule, or the instructions refer to the Child and Adult Food Program (CACFP) and the Summer Food Service Program (SFSP).
30. The terms "Feeding Our Future " and "FOF" in the subpoena, the schedule, or the instructions refer to the Feeding Our Future organization, firm, corporation, partnership, association, department, or other legal entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
31. The terms "Partners in Nutrition (d/b/a Partners in Quality Care)" and "PIN/PIQC" in the subpoena, the schedule, or the instructions refer to the Partners in Nutrition and Partners in Quality Care organizations, firms, corporations, partnerships, associations, departments, or other legal entities, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
32. The terms "Minnesota Department of Education" and "MDE" in the subpoena, the schedule, or the instructions refer to the Minnesota Department of Education firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
33. The terms "Governor Walz" or "Governor" in the subpoena, the schedule, or the instructions refer to the Governor himself; his firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

34. The terms “United States Department of Agriculture” and “USDA” in the subpoena, the schedule, or the instructions refer to the USDA firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA’s Midwest Regional Office and the Food and Nutrition Service.
35. The terms "United States Department of Agriculture Office of Inspector General and “USDA OIG” in the subpoena, the schedule, or the instructions refer to USDA OIG firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA OIG’s Headquarters and Midwest Regional Office.
36. The term “FBI” in the subpoena, the schedule, or the instructions means the Federal Bureau of Investigation, including (i) its predecessors, successors, subagencies, divisions, affiliates, task forces, partnerships (whether with public and/or private partners), and joint ventures and (ii) any current, past, or future partners, officers, directors, employees, representatives, or agents of any of the above entities.
37. The term “site application” in the subpoena, the schedule, or the instructions means the documents and information that are required to be submitted to the state agency that administers the FCNP to approve a site to be a location where nutritious meals and snacks are served to children and to receive reimbursement from the USDA through their state agency that administers the FCNP program.
38. The term “Game Plan Document” in the subpoena, the schedule, or the instructions is defined as used in cited in Aimee Bock’s trial exhibit No. 62-CV-23-863 pg. 20.

# # #





MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
*Chairwoman*

JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
LLOYD SMUCKER, PENNSYLVANIA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
MICHELLE STEEL, CALIFORNIA  
RON ESTES, KANSAS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
AARON BEAN, FLORIDA  
ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
LORI CHAVEZ-DEREMER, OREGON  
BRANDON WILLIAMS, NEW YORK  
ERIN HOUGHIN, INDIANA  
MICHAEL RULLI, OHIO

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILI LI CAMACHO SABLÁN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
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MARK DESAULNIER, CALIFORNIA  
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PRAMILA JAYAPAL, WASHINGTON  
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JAHANA HAYES, CONNECTICUT  
ILHAN OMAR, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
TERESA LEGER FERNÁNDEZ,  
NEW MEXICO  
KATHY E. MANNING, NORTH CAROLINA  
FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

September 4, 2024

The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack:

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of the U.S. Department of Agriculture's (USDA) and the Minnesota Department of Education's (MDE) administration of federal child nutrition programs (FCNP) and Feeding Our Future (FOF).

On September 30, 2022, then Ranking Member Foxx and others sent you a letter requesting information to enable oversight of improper payments of USDA's FCNPs intended to provide nutrition assistance for hungry children.<sup>1</sup> The five requests for documents and information were due no later than October 31, 2022. Your response to this letter, dated December 15, 2022, was provided on March 28, 2023, and was only sent to Ranking Member Thompson and Representative Finstad.<sup>2</sup> In addition, you failed to provide any of the requested documents or information.

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<sup>1</sup> Ranking Member Comer, Ranking Member Thompson, Rep. Fischbach, Rep. Finstad, Rep. Emmer, and Rep. Stauber; Letter from Virginia Foxx et al., Ranking Member, Comm. on Educ. and the Workforce, to Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. (Sept. 30, 2022),

<https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Ausc%3AUS%3Aada680665-a587-3ee5-a7b6-f12a12e16d63&viewer%21megaVerb=group-discover>; Federal Child Nutrition Programs are collectively the Child and Adult Care Food Program and the Summer Food Service Program.

<sup>2</sup> Letter from Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. to Glenn Thompson, Ranking Member, Comm. On Agric. (Dec.15, 2022) (on file with the Committee).

On July 20, 2023, Chairwoman Foxx and the same signatories wrote to follow up on the September 30, 2022, letter reiterating the same five requests for documents and information.<sup>3</sup>

On August 2, 2023, the USDA responded stating that additional time was needed to respond to the letter.<sup>4</sup>

On August 4, 2023, the Committee again contacted the USDA and requested that USDA begin a rolling production of documents no later than August 11, 2023. Having not received any documents, the Committee once again contacted the USDA on August 22, 2023, recounting the history of USDA's failure to provide documents and again requesting a rolling production of documents.<sup>5</sup> On that same day, the Committee received an initial production of documents purportedly in response to requests four and five and consisting of 162 pages, including 9 pages of emails and attachments. On August 23, 2023, the Committee received additional documents purportedly in response to requests one, two, and three and consisting of 41 pages of emails and attachments (this includes duplicate emails).

On December 21, 2023, you sent a letter in response to the July 20, 2023, letter. This letter included an update and a copy of a study by the Food and Nutrition Service "Summer Food Service Program Integrity Study," but no additional documents or information related to the five requests for documents and information.<sup>6</sup>

The USDA's production of information has been neither timely nor fully responsive. The documents and information provided to the Committee do not explain how your agency and the MDE failed to identify what has been described as "the largest pandemic fraud in the nation."<sup>7</sup> Accordingly, the Committee is invoking compulsory process.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of all matters involving "education... generally" to inform potential legislation.<sup>8</sup> The fraud in the FCNPs is within the Committee's jurisdiction and is a "subject on which legislation 'could be had.'"<sup>9</sup>

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<sup>3</sup> Letter from Virginia Foxx et al., Chairwoman Comm. on Educ. and the Workforce, to Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. (July 20, 2023), [https://edworkforce.house.gov/uploadedfiles/ltr\\_to\\_vilsack\\_final.pdf](https://edworkforce.house.gov/uploadedfiles/ltr_to_vilsack_final.pdf).

<sup>4</sup> Letter from Adreienne Wojciechowski, Assistant Sec'y for Cong. Rels., U.S. Dep't of Agric., to Virginia Foxx et al., Chairwoman, Comm. On Educ. And the Workforce. (Aug. 2, 2023) (on file with the Committee).

<sup>5</sup> Email from Comm. Staff, to Ramon Correa Colon, Dir. of Oversight, U.S. Dep't of Agric. (Aug. 22, 2023) (on file with Committee).

<sup>6</sup> Letter from Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. to Virginia Foxx, Chairwoman, Comm. On Educ. and the Workforce (Dec. 21, 2023) (on file with the Committee).

<sup>7</sup>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>.

<sup>8</sup> Rules of the U.S. House of Representatives, 118<sup>th</sup> Cong. at 6, 7, 9-12 (Jan. 10, 2023).

<sup>9</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

The Honorable Thomas J. Vilsack  
September 4, 2024  
Page 3 of 3

Attached is a subpoena compelling production of the documents and communications delineated in the attached schedule no later than 12:00 p.m. on September 18, 2024.

Sincerely,



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

Attachments

# SUBPOENA

## BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Secretary Thomas J. Vilsack, United States Department of Agriculture

You are hereby commanded to be and appear before the  
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515

Date: September 18, 2024

Time: 12:00 p.m. EDT

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To the U.S. Marshal Service, or any authorized Member or congressional staff

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 3<sup>rd</sup> day of September, 2024.

Virginia Foxx

Chairman or Authorized Member

Attest:

Kevin F. McClendon

Clerk

**PROOF OF SERVICE**

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Subpoena for

Secretary Thomas J. Vilsack, United States Department of Agriculture

Address 1400 Independence Avenue, S.W., Washington, D.C. 20250

before the Committee on Education and the Workforce



*U.S. House of Representatives  
118th Congress*

---

Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address 2176 Rayburn House Office Building, Washington D.C. 20515

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In accordance with the attached Schedule instructions and definitions, you, Thomas J. Vilsack, Secretary, U.S. Department of Agriculture (USDA), are required to produce all documents and communications described below in your possession, custody, or control, in complete and unredacted form:

1. All documents and communications referring to Feeding our Future (FOF), including but not limited to any records required to be made available by FOF for audit and inspection in connection with its participation in federal child nutrition program (FCNP);
2. All documents and communications relating to any actions taken or planned by USDA to establish additional integrity measures designed to prevent fraud and improper payments with respect to FCNP or funds administered by the Food and Nutrition Service;
3. All documents and communications referring to the 2019 complaint regarding FOF sent by Kara Lomen to USDA;
4. All documents and communications with the FBI referring to allegations involving fraud committed by FOF and/or FOF sites;
5. All documents and communications with Governor Walz referring to allegations involving fraud committed by FOF and/or FOF sites;
6. All documents and communications with Minnesota Department of Education (MDE) referring to allegations involving fraud committed by FOF and/or FOF sites;
7. All documents and communications referring to Congressional requests for documents and information to aid in the oversight of improper payments of FCNP in Minnesota;
8. All MOUs between USDA OIG and USDA, including the Food and Nutrition Service;
9. All documents and communications referring to the USDA's preparation for the June 10, 2024 briefing, that was cancelled by your staff, for the Committee on Education and the Workforce referring to the COVID waivers impacting state administration of the FCNP and questions based on information provided during a June 5, 2024 briefing by the USDA OIG referring to the FOF fraud; and
10. All documents and communications referring to the USDA's preparation for the July 2, 2024 briefing for the Committee on Education and the Workforce regarding the COVID waivers impacting state administration of the FCNP and FOF fraud.

## **Instructions for Responding to a Subpoena**

### **U.S. House Committee on Education and the Workforce**

#### **118th Congress**

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
  - b. Document numbers in the load file should match document Bates numbers and file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the subpoena should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the subpoena was served.
8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to the Majority General Counsel at [mindy.barry@mail.house.gov](mailto:mindy.barry@mail.house.gov) and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to the Minority General Counsels at [ilana.brunner@mail.house.gov](mailto:ilana.brunner@mail.house.gov) and [christian.haines@mail.house.gov](mailto:christian.haines@mail.house.gov).
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date



specified in the subpoena and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from January 1, 2017, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, forms, spreadsheets, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices,

transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term "communication" in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms "and" and "or" in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms "person" or "persons" in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term "identify" in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
26. The terms "referring" or "relating" in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term "employee" in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.

28. The terms "you" and "your" in the subpoena, the schedule, or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA's Midwest Regional Office.
29. The term "federal child nutrition program" in the subpoena, the schedule, or the instructions refer to the Child and Adult Food Program (CACFP) and the Summer Food Service Program (SFSP).
30. The terms "Feeding Our Future " and "FOF" in the subpoena, the schedule, or the instructions refer to the Feeding Our Future organization, firm, corporation, partnership, association, department, or other legal entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
31. The terms "Partners in Nutrition (d/b/a Partners in Quality Care)" and "PIN/PIQC" in the subpoena, the schedule, or the instructions refer to the Partners in Nutrition and Partners in Quality Care organizations, firms, corporations, partnerships, associations, departments, or other legal entities, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
32. The terms "Minnesota Department of Education" and "MDE" in the subpoena, the schedule, or the instructions refer to the Minnesota Department of Education firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
33. The terms "Governor Walz" or "Governor" in the subpoena, the schedule, or the instructions refer to the Governor himself; his firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or

purporting to exercise discretion, make policy, and/or decisions.

34. The terms "United States Department of Agriculture Office of Inspector General" and "USDA OIG" in the subpoena, the schedule, or the instructions refer to USDA OIG firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA OIG's Headquarters and Midwest Regional Office.
35. The terms "United States Department of Agriculture" and "USDA" in the subpoena, the schedule, or the instructions refer to the USDA firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA's Midwest Regional Office and the Food and Nutrition Service.

# # #



MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
*Chairwoman*

JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
LLOYD SMUCKER, PENNSYLVANIA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
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JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
AARON BEAN, FLORIDA  
ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
LORI CHAVEZ-DEREMER, OREGON  
BRANDON WILLIAMS, NEW YORK  
ERIN HOUGHIN, INDIANA  
MICHAEL RULLI, OHIO

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*Ranking Member*

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FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

September 4, 2024

The Honorable Phyllis K. Fong  
Inspector General, U.S. Department of Agriculture  
1400 Independence Ave. SW  
Washington, D.C. 20250

Dear Inspector General Fong:

The U.S. House Committee on Education and the Workforce (Committee) is engaged in ongoing oversight of the U.S. Department of Agriculture's (USDA) and the Minnesota Department of Education's (MDE) administration of federal child nutrition programs (FCNP) and Feeding Our Future (FOF).

On September 30, 2022, then-Ranking Member Foxx and others sent USDA Secretary Thomas J. Vilsack a letter requesting information to enable oversight of improper payments of USDA's FCNP intended to provide nutrition assistance for hungry children.<sup>1</sup> The letter included five requests for documents and information due no later than October 31, 2022. No documents or information were received.

Chairwoman Foxx and the same signatories wrote to Secretary Vilsack on July 20, 2023, to address his lack of response to the September 30, 2022, letter and reiterated the same five requests for documents and information.<sup>2</sup>

On August 24, 2023, you responded, stating that USDA had referred the letter to the USDA Office of Inspector General (OIG) so that you could provide "OIG-related information and that

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<sup>1</sup> Ranking Member Comer, Ranking Member Thompson, Rep. Fischbach, Rep. Finstad, Rep. Emmer, and Rep. Stauber; Letter from Virginia Foxx et al., Ranking Member, Comm. on Educ. and the Workforce, to Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. (Sept. 30, 2022), <https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Ausc%3AUS%3Aada680665-a587-3ee5-a7b6-f12a12e16d63&viewer%21megaVerb=group-discover>; Federal Child Nutrition Programs are collectively the Child and Adult Care Food Program and the Summer Food Service Program.

<sup>2</sup> Letter from Virginia Foxx et al., Chairwoman Comm. on Educ. and the Workforce, to Thomas J. Vilsack, Sec'y, U.S. Dep't of Agric. (July 20, 2023), [https://edworkforce.house.gov/uploadedfiles/ltr\\_to\\_vilsack\\_final.pdf](https://edworkforce.house.gov/uploadedfiles/ltr_to_vilsack_final.pdf).

The Honorable Phyllis K. Fong  
September 4, 2024  
Page 2 of 2

an update would be provided within 60 days of our request.”<sup>3</sup> No update was provided to the Committee.

The Committee again reached out to your office on May 20, 2024, and was told that documents would be provided by the end of June. On July 9, 2024, we received 38 pages of documents that purportedly were responsive to request one, and five pages of documents that were purportedly responsive to request three.<sup>4</sup> Regarding the second, fourth, and fifth requests, you stated that you “had not located any OIG documents that you believe to be related to those requests.”<sup>5</sup> On July 24, 2024, we received 53 pages of documents that were purportedly responsive to the first request.

The OIG’s production of information has been neither timely nor fully responsive. The documents and information provided to the Committee do not explain your actions or their impact on what has been described as “the largest pandemic fraud in the nation.”<sup>6</sup> Accordingly, the Committee is invoking compulsory process to compel production of that information.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of all matters involving “education... generally” to inform potential legislation.<sup>7</sup> The fraud in the FCNP is within the Committee’s jurisdiction and is a “subject on which legislation ‘could be had.’”<sup>8</sup>

Attached is a subpoena compelling production of the documents and communications delineated in the attached schedule no later than 12:00 p.m. on September 18, 2024.

Sincerely,



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

Attachments

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<sup>3</sup> Letter from Phyllis Fong, Inspector Gen., U.S. Dep’t of Agric. Office of Inspector Gen., to Virginia Foxx, Chairwoman, Comm. On Educ. and the Workforce. (Aug. 24, 2023) (on file with the Committee).

<sup>4</sup> Letter from Phyllis Fong, Inspector Gen., U.S. Dep’t of Agric. Office of Inspector Gen., to Virginia Foxx, Chairwoman, Comm. On Educ. and the Workforce. (July 9, 2024) (on file with the Committee).

<sup>5</sup> *Id.*

<sup>6</sup> 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>.

<sup>7</sup> Rules of the U.S. House of Representatives, 118<sup>th</sup> Cong. at 6, 7, 9-12 (Jan. 10, 2023).

<sup>8</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

# SUBPOENA

## BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Phyllis K. Fong, Inspector General, United States Department of Agriculture

You are hereby commanded to be and appear before the  
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515

Date: September 18, 2024

Time: 12:00 p.m. EDT

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To the U.S. Marshal Service, or any authorized Member or congressional staff

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 3<sup>rd</sup> day of September, 2024.

Virginia Foxx

Chairman or Authorized Member

Attest:

Kerri F. McClure

Clerk

## PROOF OF SERVICE

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Subpoena for

Phyllis K. Fong, Inspector General, United States Department of Agriculture

Address 1400 Independence Avenue, S.W., Washington, D.C. 20250

before the Committee on Education and the Workforce



*U.S. House of Representatives  
118th Congress*

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Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address 2176 Rayburn House Office Building, Washington D.C. 20515

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In accordance with the attached Schedule instructions and definitions, you, Phyllis K. Fong, Inspector General, U.S. Department of Agriculture (USDA OIG) are required to produce all documents and communications described below in your possession, custody, or control, in complete and unredacted form:

1. All documents and communications referring to allegations involving fraud committed by Feeding our Future (FOF) relating to any audit, inspection, or oversight conducted by USDA OIG in connection with FOF participation in federal child nutrition program (FCNP);
2. All documents and communications with employees or officials of the Minnesota Department of Education (MDE) referring to FOF and/or FOF sites;
3. All relevant USDA policies relating to the authority of USDA officials, employees, agents, contractors, or state partner agencies to respond to and prevent potential fraud or improper conduct;
4. All documents and communications relating to any actions recommended by USDA OIG (as a result of any audit, inspection, or oversight of FOF) to establish additional integrity measures designed to prevent fraud and improper payments regarding programs or funds administered by the Food and Nutrition Service;
5. All meeting notes referring to allegations involving fraud committed by FOF and/or FOF sites;
6. All documents and communications referring to Partners in Nutrition (d/b/a Partners in Quality Care) (PIN/PIQC) and allegations involving fraud committed by FOF and/or FOF sites;
7. All documents and communications with the FBI referring to allegations involving fraud committed by FOF and/or FOF sites;
8. All documents and communications referring to asset forfeiture funds and FOF and/or FOF sites;
9. All documents and communications between and among USDA OIG staff referring to Congressional requests from the Committee on Education and the Workforce;
10. All documents and communications referring or related to USDA OIG's preparation for the June 5, 2024 briefing for the Committee on Education and the Workforce on USDA OIG's actions related to allegations involving fraud committed by FOF and or FOF sites;
11. All formal or informal complaints made against a USDA OIG agent for failing to pursue allegations involving fraud committed by FOF and/or FOF sites;

12. All Memoranda of Understanding (MOUs) between USDA OIG and USDA, including the Food and Nutrition Service;
13. All case data sheets and Hotline submissions referring to allegations involving fraud of FCNP in Minnesota; and
14. All documents and communications related to cases with the following case numbers: CH-2752-0048, PS-2752-00023-21, PS-2741-00214-21, and CH-2752-0049.

## **Instructions for Responding to a Subpoena**

### **U.S. House Committee on Education and the Workforce**

#### **118th Congress**

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (".pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
  - b. Document numbers in the load file should match document Bates numbers and file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
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8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to the Majority General Counsel at [mindy.barry@mail.house.gov](mailto:mindy.barry@mail.house.gov) and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to the Minority General Counsels at [ilana.brunner@mail.house.gov](mailto:ilana.brunner@mail.house.gov) and [christian.haines@mail.house.gov](mailto:christian.haines@mail.house.gov).
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date

specified in the subpoena and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from January 1, 2017, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, forms, spreadsheets, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices,

transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term "communication" in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms "and" and "or" in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms "person" or "persons" in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term "identify" in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
26. The terms "referring" or "relating" in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term "employee" in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.

28. The terms "you" and "your" in the subpoena, the schedule, or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA OIG's Headquarters and Midwest Regional Office.
29. The term "federal child nutrition program" in the subpoena, the schedule, or the instructions refer to the Child and Adult Food Program (CACFP) and the Summer Food Service Program (SFSP).
30. The terms "Feeding Our Future " and "FOF" in the subpoena, the schedule, or the instructions refer to the Feeding Our Future organization, firm, corporation, partnership, association, department, or other legal entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
31. The terms "Minnesota Department of Education" and "MDE" in the subpoena, the schedule, or the instructions refer to the Minnesota Department of Education firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.
32. The terms "Partners in Nutrition (d/b/a Partners in Quality Care)" and "PIN/PIQC" in the subpoena, the schedule, or the instructions refer to the Partners in Nutrition and Partners in Quality Care organizations, firms, corporations, partnerships, associations, departments, or other legal entities, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on Feeding Our Future's behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion and make decisions.
33. The terms "Governor Walz" or "Governor" in the subpoena, the schedule, or the instructions refer to the Governor himself; his firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

34. The terms “United States Department of Agriculture” and “USDA” in the subpoena, the schedule, or the instructions refer to the USDA, its firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, executive officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, executive officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions, including USDA’s Midwest Regional Office and the Food and Nutrition Service.

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