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

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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.¹

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.² 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.³

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

¹ 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.

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

³ 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.⁴ The fraud in the FCNP is within the Committee’s jurisdiction and is a “subject on which legislation ‘could be had.’”⁵

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

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

⁵ *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 3rd day of September, 2024.

Virginia Foxe

Chairman or Authorized Member

Attest:

Kenn F. McCulbe

Clerk

PROOF OF SERVICE

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*

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, 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 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 and 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.

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