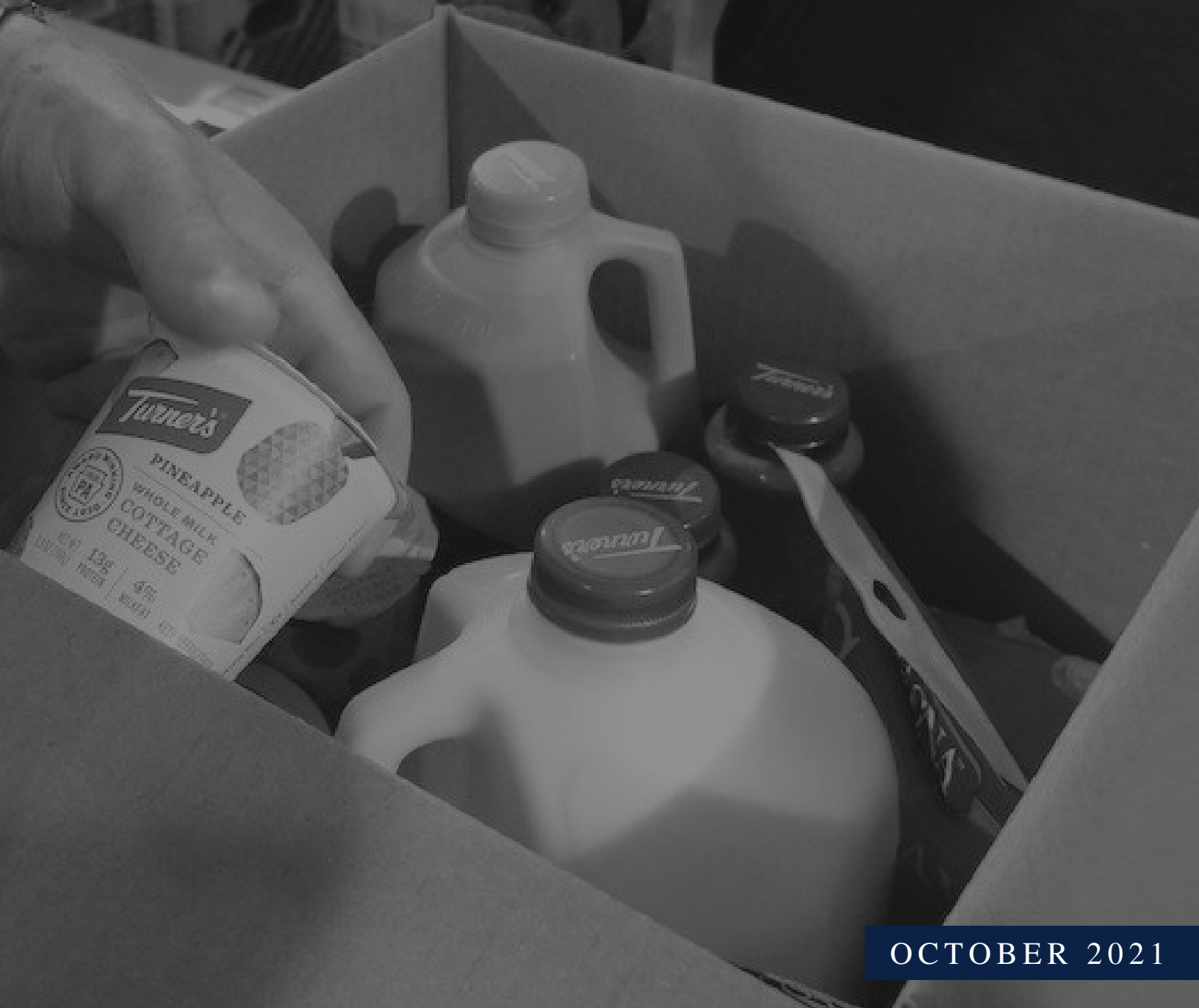





FARMERS *to* FAMILIES?

AN INVESTIGATION INTO THE
TRUMP ADMINISTRATION'S
FOOD BOX PROGRAM



OCTOBER 2021



This staff report provides findings from the Select Subcommittee on the Coronavirus Crisis majority staff's investigation of the administration of the Farmers to Families Food Box Program by the United States Department of Agriculture.

A CASE STUDY OF:

3

UNDERQUALIFIED
COMPANIES

awarded

\$95.7M

IN TAXPAYER
DOLLARS

STATEMENT FROM THE CHAIRMAN:

"The significant mismanagement of the Food Box Program illuminated by this report is yet another example of the previous Administration's failure to meet the needs of the American people as the coronavirus spread across the country. The Program was marred by a structure that prioritized industry over families, by contracting practices that prioritized cutting corners over competence, and by decisions that prioritized politics over the public good. As we work to emerge from the coronavirus pandemic and prepare for future emergencies, we must heed this report's lessons to prevent more instances of fraud and abuse and ensure that future relief efforts are more effective, efficient, and equitable."

-Chairman James E. Clyburn.

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I. EXECUTIVE SUMMARY

This staff report presents findings from an investigation conducted by the Select Subcommittee on the Coronavirus Crisis into how the Trump Administration, through the United States Department of Agriculture (USDA), administered the Farmers to Families Food Box Program (Food Box Program or Program) in 2020. The Select Subcommittee launched an investigation into the Program in August 2020 following reports that the Trump Administration, under then-Secretary of Agriculture Sonny Perdue, had mismanaged the program, resulting in large awards to contractors with questionable experience.¹

The Select Subcommittee's year-long investigation uncovered troubling new evidence about both the Trump Administration's management of the Food Box Program and the conduct of certain contract recipients who were granted multimillion dollar awards by the Trump Administration. Specifically, the Select Subcommittee's investigation found:

The Trump Administration Granted Multimillion Dollar Contracts to Unqualified Recipients with Serious Red Flags. Three contract recipients at issue in the Select Subcommittee's investigation submitted applications that should have invited further scrutiny:

- **The Trump Administration awarded contracts worth \$16.5 million to Yegg, Inc. (Yegg), a self-described “Export Management, Trading, and Trade Finance company” that had listed its most recent annual sales as \$250,000, despite limited relevant experience and lack of capacity to operate large contracts.**
- **The Trump Administration awarded a contract worth \$39 million to CRE8AD8, LLC (CRE8AD8), a company focused on wedding and event planning without significant food distribution experience, and whose owner reportedly compared coordinating the Program to his usual work of “stuffing little tchotchkes into bags.” CRE8AD8 was ultimately paid \$31.5 million of this contract.**
- **The Trump Administration awarded a \$40 million contract—which was later canceled before any payments were made—to Ben Holtz Consulting, Inc. (Ben Holtz Consulting). In its references section, Ben Holtz's bid proposal had stated: “I don't have any.” The proposal also pitched an unusually broad range for delivery capacity: between 5,000 and 200,000 16-18 pound boxes of produce per week.**

The Trump Administration Failed to Monitor Contract Performance so as to Detect Possible Fraud. The Trump Administration continued payments to one contractor—Yegg—despite troubling business practices and evidence suggesting that the company submitted false records to USDA and may have engaged in self-dealing during its performance of the contract.

- **The Trump Administration sanctioned \$7.95 million in payments to Yegg for deliveries that took place outside of the contract period—in violation of contract terms and in spite of questionable circumstances of the deliveries and some of the purported delivery recipients. At the time USDA made at least \$3.8 million of those**

payments, USDA had been directly informed that some of the invoiced food had not yet left the producers, reached the site of eligible nonprofit organizations, or been distributed to needy Americans.

- **The Trump Administration reimbursed Yegg for more than \$2.85 million worth of milk and dairy boxes purportedly delivered to “Helping Feet,” a nonprofit operated by the wife of the company’s CEO, who was also Yegg’s majority shareholder.** Records for this nonprofit raise red flags about its suitability as a dairy box recipient: Helping Feet operates out of office space rented by Yegg, and its stated mission is “to provide Debt Consolidation, Educational and Recreational Purpose,” and to engage in “Acquisition of Vacant Land for Construction of Residential Dwellings and Subsequent Sale or Rent to Low-Income Persons.” It is unclear whether the Trump Administration was aware of this potential conflict of interest, despite the availability of public records showing the clear connection between the two entities.
- **The Trump Administration paid Yegg \$1.3 million for deliveries supported by inaccurate documentation.** Among other issues, **USDA paid Yegg \$584,400 for deliveries to a nonprofit organization that the Select Subcommittee confirmed were not received by the reported recipient and that the Select Subcommittee was not able to trace.** Because the Select Subcommittee identified evidence that Yegg made undocumented food deliveries to at least some nonprofits, it cannot conclude that these deliveries never occurred elsewhere; however, the Trump Administration’s failure to require accurate records created serious risks of fraud. Another set of deliveries were arranged through an organization that relied on an unrelated nonprofit’s tax exemption letter, which that nonprofit compared to **“someone using your Social Security number to get an apartment,”** saying: **“It is absolutely inappropriate.”**
- **On multiple occasions, the Trump Administration approved invoices for deliveries for which a single individual signed on behalf of numerous recipient organizations, despite not being present for the purported deliveries.** For example, the vice president of a nonprofit dedicated to international travel experiences signed for purported deliveries by Yegg to eleven other nonprofit or governmental organizations. He confirmed to the Select Subcommittee that he was not present for all of the deliveries. The Trump Administration also approved similar payments with respect to CRE8AD8.

The Trump Administration Permitted Contract Recipients to Profit Steeply from the Taxpayer-Funded Food Box Program. By failing to either require contractors to submit documentation showing the prices that contractors paid for food or place restrictions on the percentage of profit that contractors could make from the emergency program, the Trump Administration failed to administer its documentation requirements in a manner that would safeguard taxpayer dollars from price-gouging.

- Event planning company CRE8AD8, which was ultimately paid \$31.5 million in taxpayer funds, acknowledged to the Select Subcommittee that it collected profits of **between 10 and 25 percent—a total of anywhere from \$3.1 million to \$7.75 million for one month’s worth of deliveries.** CRE8AD8 confirmed that contractors in the Food

Box Program sometimes paid well above market prices, with farmers and producers receiving from CRE8AD8 up to ten times the price they would normally get from grocery stores.

- **Yegg repeatedly charged taxpayers a 50 percent markup on the amount that it paid to a dairy.** For example, Yegg charged USDA \$20,979 for one delivery of 2,100 two-gallon boxes of milk to the Liberian American Community Organization of Southern California (LACOSC) in early June, representing \$9.99 per box of milk. These milk boxes had been purchased from and delivered by the dairy for \$13,272, or \$6.32 apiece. Yegg made \$7,707, or \$3.67 per box, on that delivery. Because the deliveries were being made—and at times arranged—by the dairy itself, Yegg appears to have been paid for acting as little more than a middleman.

The Trump Administration Did Not Structure or Administer the Food Box Program to Meet its Stated Goal of Feeding Hungry Americans and Eliminating Food Waste. Although then-Secretary Perdue promised that the Food Box Program would distribute food “to communities across the country where it’s needed most,” the initial design of the Program heavily prioritized the needs of the food industry and neglected to prioritize hungry Americans. Among other problems:

- The Trump Administration did not have a process in place to evaluate whether nonprofit organizations that received the food boxes had the necessary operational and financial capacity to store and distribute them to people in need.
- The Trump Administration failed to meaningfully screen first-round contractors for their ability to safely and competently deliver food in the amounts awarded. In a briefing to Select Subcommittee staff, USDA personnel admitted that, despite the ten-page limit that USDA imposed on contractor applications, USDA did not have time to contact the professional references bidders had provided (or, in the case of Ben Holtz Consulting, failed to provide) in order to confirm that the bidders were experienced, capable, and reputable. The Select Subcommittee identified instances in which contractors had provided no references at all or references who could not be reached at the contact information provided, indicating that minimal screening could have mitigated the risks of fraud.
- When implementing the Program, the Trump Administration failed to meaningfully involve USDA’s Food and Nutrition Service (FNS), the branch of USDA that focuses on “increas[ing] food security and reduc[ing] hunger by providing children and low-income people access to food, a healthful diet, and nutrition education in a way that supports American agriculture and inspires public confidence.”
- In some cases, **contractors selected by the Trump Administration for the Program—which was designed to reduce food waste—in fact contributed to food waste** by failing to provide timely deliveries, by delivering food in unsafe packaging, and by pressuring recipient organizations to accept more food than they could reasonably distribute or store—often resulting in out-of-pocket costs for nonprofits. For example:

- One nonprofit director explained that, on one occasion, contract recipient Yegg delivered 2,500 more gallons of milk than expected without regard to the fact that the product was likely to be wasted. He explained: **“I had to pay for that refrigeration out of my own pocket. That cost me about \$350 every three or four days for refrigeration. We paid the price.”** He said: **“The whole thing was a disaster,”** and described Yegg’s performance as **“a horrible job.”**
- A Yegg intermediary told another recipient: **“If a truck arrives at a location and ... the product ... is refused, your group will be banned indefinitely by the USDA from receiving any further shipments of milk or food products in the future.”** In another instance, Yegg’s CEO wrote: **“We can’t have this [sic] places rejecting trucks ... Otherwise we will have to remove them from the list.”**
- Recipient nonprofits told the Select Subcommittee that some contractors delivered **“rotten food and wet or collapsing boxes,”** provided large amounts of commercially-packaged meat inappropriate for family consumption, or **delivered produce at temperatures that the nonprofits identified as presenting a “food safety issue.”** One recipient said about CRE8AD8: **“They were very sketchy. They didn’t seem to understand how food banks work. They didn’t understand that you couldn’t send us bad food and expect us to take it.”**
- The Trump Administration failed to evaluate distributors’ ability to reach specific communities in need of support during the first two rounds of the program. The Food Box Program also relied on distributors to “self-certify that nonprofits have capability to ensure that only needy people, or the food insecure population, will receive the food boxes,” and did not implement that requirement until the Program’s third round.

The Trump Administration Manipulated the Food Box Program for Political Advantage. Aspects of implementation appeared motivated solely by electoral considerations, with no evident programmatic purpose:

- The Trump Administration deployed taxpayer dollars to include a letter signed by President Trump in food boxes. Nonprofit organizations distributing the boxes informed Select Subcommittee staff that the letters, in which President Trump credited himself for the program, created frustration among the people they served.
- President Trump announced an extension of the Food Box Program at an official event that coincided with the opening of the Republican National Convention. At that event, Secretary Perdue engaged in overt political activity in support of President Trump’s campaign subsequently found by the Office of Special Counsel (OSC) to constitute a violation of the Hatch Act.

The Select Subcommittee’s investigation focused on three distributors awarded large first-round contracts that had been the subject of multiple press reports questioning their fitness

for the program. While none of the three contractors reviewed in the Select Subcommittee’s investigation were renewed for the second round of the Program, the Trump Administration failed to enact certain critical improvements to the Program until its third round. Even after these improvements were implemented, the Program suffered from significant problems, such as poor-quality box contents, food safety issues, failed deliveries, and uneven distribution that excluded many suffering communities. After undertaking a review of the Food Box Program, the Biden Administration ended the Program on May 31, 2021.

In the future, USDA must incorporate lessons learned from this Program to ensure the safety of recipients, limit risks of waste, fraud, and abuse, and ensure the effective, efficient, and equitable use of funds. The Select Subcommittee recommends that, when designing and implementing future food distribution programs, USDA take more care in evaluating contractors, issue and enforce guidance on eligible partner organizations and emergency pricing, and take other appropriate steps to maximize support for hungry Americans while minimizing food waste and abuse of food distribution programs. In addition, the Select Subcommittee recommends that USDA’s Office of Inspector General (OIG) conduct a comprehensive and transparent evaluation of potential fraud or inefficiencies in addition to its ongoing work on the Food Box Program.

II. BACKGROUND

A. Pandemic Hunger

As the coronavirus spread nationwide in the spring and summer of 2020, more than 20 million Americans lost their jobs,² grocery supply chains were disrupted, and the prices of basic food staples surged.³ As a result, millions of Americans found themselves food insecure.

Before the pandemic, 2.5 million children lived in households without enough food to eat; by June 2020, that figure had skyrocketed to 13.9 million.⁴ While every community in America was harmed by rising food insecurity, certain segments of America were hit especially hard. Approximately 12 percent of all respondents to a Census Bureau survey released in December 2020—over one in ten—reported that they sometimes or often did not have enough to eat.⁵ That number reached over 15 percent (almost one in six) for adults with children in their households, over 26 percent (one in four) for adults without a high school education or GED, over 20 percent (one in five) for Black adults, and over 17 percent (one in six) for Hispanic or Latino adults.⁶

At the same time, sources of emergency food supplies came under significant strain. The nation’s largest hunger relief organization, Feeding America, reported that 98 percent of food banks in its network experienced increased demand within the first weeks of the pandemic, 95 percent experienced increased operational expenses, 59 percent experienced decreased inventory, 37 percent faced an immediate critical funding shortfall, and 67 percent were in need of volunteers.⁷ This “perfect storm” of higher costs, declining donations, and fewer available volunteers led many food pantries to close at the onset of the pandemic.⁸

This increase in food insecurity risked long-term damage to affected communities and to the nation. A lack of access to adequate nutrition is associated with high blood pressure,⁹

diabetes,¹⁰ mental illness,¹¹ decreased educational achievement,¹² and stunted cognitive and emotional development.¹³ The Centers for Disease Control and Prevention and retired military leaders have warned that lack of access to healthy food among the general populace actively harms military readiness and national security.¹⁴

Food insecurity was therefore among the most urgent and high-stakes crises triggered by the pandemic, and it was critical that the federal government design and execute programs that would maximize support for hungry families.

B. USDA's Farmers to Families Food Box Program

Soaring rates of hunger in 2020 were not caused by a lack of food supply. On the contrary, temporary closures of restaurants, hotels, and schools, along with other large-scale disruptions to distribution chains, led producers to destroy tens of millions of pounds of fresh food and to euthanize livestock. Dairy Farmers of America estimated that by April of 2020, farmers were dumping as many as 3.7 million gallons of milk each day, while a single chicken processor was smashing 750,000 unhatched eggs per week.¹⁵ The University of Missouri's Food and Agricultural Research Institute projected that farmers would face losses of more than \$20 billion for the year.¹⁶

Congress responded to this and other pandemic-related crises by passing the Families First Coronavirus Response Act (FFCRA) on March 18, 2020. Among other provisions, FFCRA authorized the Secretary of Agriculture to “purchase commodities for emergency distribution in any area of the United States during a public health emergency designation,” and appropriated funds for that purpose.¹⁷

Secretary Perdue exercised this authority nearly a month later to create the Farmers-to-Families Food Box Program (Food Box Program or Program). Under the Program, USDA's Agricultural Marketing Service (AMS) would select regional and local distributors to purchase agricultural products at market rates, package them into family-sized boxes, and deliver them “to food banks and other nonprofits . . . that can receive, store and distribute food items.”¹⁸ In other words, if operating as intended, the Program would effectively address two crises at once—America's hunger epidemic and the deep economic harm to farmers and food distributors. At an April 2020 press briefing announcing the Program, President Trump explained that it would include “mass purchases of dairy, meat, and agricultural produce to get that food to the people in need.”¹⁹ Former Secretary of Agriculture Perdue added that the “program will not only provide direct financial relief to our farmers and ranchers [but] will allow for the purchase and distribution of our agricultural abundance in this country to help our fellow Americans in need.”²⁰

In May 2020, the Trump Administration announced contracts worth more than \$1.2 billion with 198 food providers through the Food Box Program.²¹ These contracts covered delivery of food boxes across the country from May 15, 2020, through June 30, 2020.²² The program was extended for four additional rounds for deliveries through the end of May 2021.²³ According to a GAO analysis of the federal government's contract obligations through the end of February, purchases of fruits and vegetables “made primarily in support of the USDA's Farmers

to Families Food Box Program” represented the third-largest set of contract obligations made in response to the coronavirus pandemic, exceeded only by “drugs and biologicals” and “medical equipment and supplies.”²⁴ In total, the federal government entered into Food Box Program contracts worth approximately \$6 billion.²⁵

Although the Food Box Program achieved some of its goals—purchases by contractors provided financial support to some agricultural producers at a time when ordinary supply chains were disrupted, and a number of nonprofit organizations that spoke with Select Subcommittee staff credited the Program with providing assistance to local communities and families in remote areas—the Program was plagued for months by recurring problems. Participants frequently reported poor-quality box contents, food safety issues, failed deliveries, and uneven distribution that excluded many suffering communities, despite the Program’s soaring costs to taxpayers.²⁶

After undertaking a review of the Food Box Program, the Biden Administration ended the Program on May 31, 2021.²⁷ In the months since that decision, the Biden Administration has expanded established food assistance programs, invested in initiatives to support local farmers, and allocated money to support local organizations providing food to rural, remote, and low-income communities.²⁸

C. The Select Subcommittee’s Investigation

During the first round of the Food Box Program, multiple reports questioned the food distribution capacity and experience of certain distributors that had received multimillion dollar awards.²⁹ On August 24, 2020, after the first round’s conclusion, the Select Subcommittee launched an investigation into reported mismanagement of the Program.³⁰

The Select Subcommittee conducted an intensive review of three distributors awarded large first-round contracts that had been the subject of multiple press reports questioning their fitness for the program: Yegg, CRE8AD8, and Ben Holtz Consulting. Out of the 198 first-round contractors, Yegg, CRE8AD8, and Ben Holtz Consulting respectively received the 19th, 7th, and 6th largest overall contract awards.³¹ While Ben Holtz Consulting had its contract terminated approximately two weeks after it was awarded, Yegg and CRE8AD8 were ultimately paid \$16.5 million and \$31.5 million respectively by USDA.

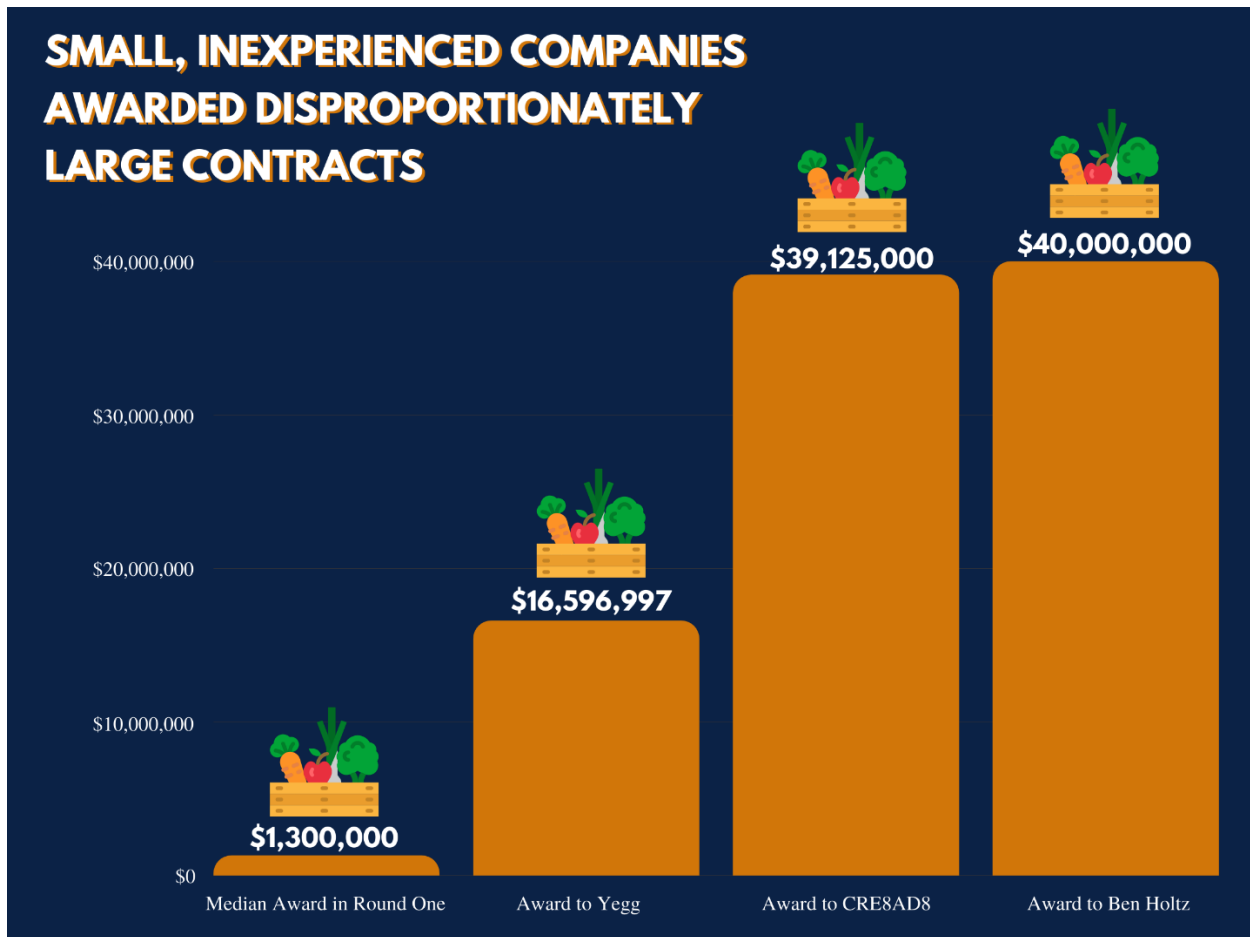


Figure 1: Chart illustrating the relative sizes of the Trump Administration’s awards to Yegg, Inc., CRE8AD8, and Ben Holtz Consulting, compared to the median contract awarded among 198 total contractors in the same round. USDA ultimately paid Yegg the entire contract amount, paid CRE8AD8 approximately \$31.5 million, and cancelled the contract with Ben Holtz prior to making any payments.

These three case studies represent approximately \$48 million in spending and provide a window into broader weaknesses and mismanagement in the \$6 billion Program. Review of this sample enabled the Select Subcommittee to identify overarching design and implementation issues in the Program, although it could not identify every potential example of waste or fraud. In the course of its review, Select Subcommittee staff held briefings or interviews with representatives of USDA, Yegg, and CRE8AD8, surveyed representatives of 18 organizations that interacted with the contractors, and obtained and reviewed thousands of pages of documents.

III. INVESTIGATIVE FINDINGS

A. Inappropriate Contract Awards: Three Case Studies

The Select Subcommittee’s review of Yegg, CRE8AD8, and Ben Holtz Consulting revealed that, under the Trump Administration, USDA awarded multimillion dollar food delivery contracts to entities that were unqualified for work of that nature and/or scope. In the case of Ben Holtz Consulting, USDA appears to have identified its error and withdrawn the contract after it was awarded. In the other two cases, USDA’s decision to award massive contracts to

small and ill-equipped companies had significant negative consequences for nonprofit organizations working with the contractors, the people that those organizations served, and American taxpayers whose tax dollars should be spent wisely and effectively.

1. Yegg, Inc.

Yegg, a California-based company, was awarded contracts worth \$16.5 million, including the third-largest contract for fluid milk and fourth-largest contract for dairy boxes in the Food Box Program's first round.³² USDA ultimately paid Yegg for the full amount of the contract.³³

a) *Red Flags in Yegg's Structure and Bid Proposal*

Yegg is a small company with limited resources for food distribution. The company's founder, George Egbuonu, is the company's CEO, CFO, and Secretary.³⁴ His spouse, Esther Villars, is the Vice President and co-owner of Yegg.³⁵ In an interview with Select Subcommittee staff, Egbuonu explained that Yegg does not own any transportation vehicles or food storage space, and that the company employs approximately ten employees, some of whom work only part-time.³⁶ Prior to receiving the USDA award, Yegg did not advertise itself as a food distributor: in late 2019, Yegg's website described the company as "an Export Management, Trading and Trade Finance company that specializes in the following areas: Capital Equipment, Export Finance, and Trade/Export Credit Insurance."³⁷ Yegg's 2020 corporate registration describes the business as engaged in "Business Mangement [sic] Services."³⁸

Yegg's bid proposal was riddled with red flags about Yegg's size and references. A Dun & Bradstreet report submitted with Yegg's bid proposal lists the company as having five employees, including its two officers, and states that the company "[o]perates from [the] residence of George Egbuonu."³⁹ The report lists Yegg's most recent available annual sales figure as \$250,000 and recommends a "Conservative Credit Limit" of \$2,500 or an "Aggressive Credit Limit" of \$10,000.⁴⁰ The bidding parties were required to submit references for past performance of contracts "which demonstrate[] their ability to perform the proposed effort."⁴¹ Although Yegg was ultimately awarded a \$16.5 million contract by USDA, to be performed over the course of six weeks, the references it submitted were significantly smaller projects with three small grocery stores. The reference for the largest listed contract, worth \$1.7 million spread over 11 years, was a produce market that Yegg claimed to have supplied with dairy products, and that was no longer in existence at the time of Yegg's bid.⁴² The phone number Yegg provided for that produce market was a landline for a deli currently operating from the same physical address. When contacted, the deli's owner informed Select Subcommittee staff that he had no forwarding information for anyone affiliated with the prior company who might attest to Yegg's performance.⁴³ The other two professional references were small stores that had significantly smaller contracts with Yegg for food delivery, totaling in the six figures over the course of multiple years.⁴⁴

While Sections 9.103(b) and 9.104-1 of the Federal Acquisition Regulations (FAR) require contracting officers to affirmatively determine that a prospective contractor has a satisfactory record and the necessary access to resources to perform the contract in question,⁴⁵ Yegg's CEO informed the Select Subcommittee that USDA did not request any additional

information before awarding the company \$16 million in contracts.⁴⁶ Because contracting officers are afforded significant discretion under this section, the Select Subcommittee is unable to conclude that the contracting officer responsible for this determination with respect to Yegg violated the FAR. Nevertheless, the red flags present in Yegg's bid materials suggest that, by any measure, the government's review was inadequate, and that the Trump Administration's Food Box Program awards merit additional review by USDA's OIG.

b) *Yegg's Inconsistent Performance*

Emails obtained by the Select Subcommittee reveal that Yegg's lack of experience and resources had a negative impact on its suppliers and nonprofit partner organizations. Although USDA's solicitation stated that contractors were "responsible for all supply chain and logistic activities necessary to ensure the boxes are distributed to persons in need of food assistance,"⁴⁷ and USDA's website stated that contractors were responsible for "sourcing product for inclusion in boxes, conducting all aspects of preparing the boxes, sourcing and communicating with nonprofits and transportation and final delivery of boxes to the nonprofit on a mutually agreeable, recurring schedule,"⁴⁸ Yegg appears to have pushed many of those tasks onto either producers or nonprofits.

In at least one instance, Yegg appeared to neglect its responsibilities to a degree that prompted a major agricultural producer to cut Yegg out of the distribution process that Yegg was allegedly managing. In May of 2020, an employee from Alta Dena Dairy emailed a recipient organization to coordinate deliveries without Yegg: "[Yegg] don't seem to know what they are doing so I am trying to set up the larger food banks that can take a full truck load."⁴⁹ Yegg's failure to coordinate such deliveries, forcing Alta Dena to take that task upon itself, appears to conflict with provisions of Yegg's contract that made the contractor itself "responsible for all supply chain and logistic activities necessary to ensure the boxes are distributed to persons in need of food assistance" and "solely responsible for establishing a network of recipient entities."⁵⁰

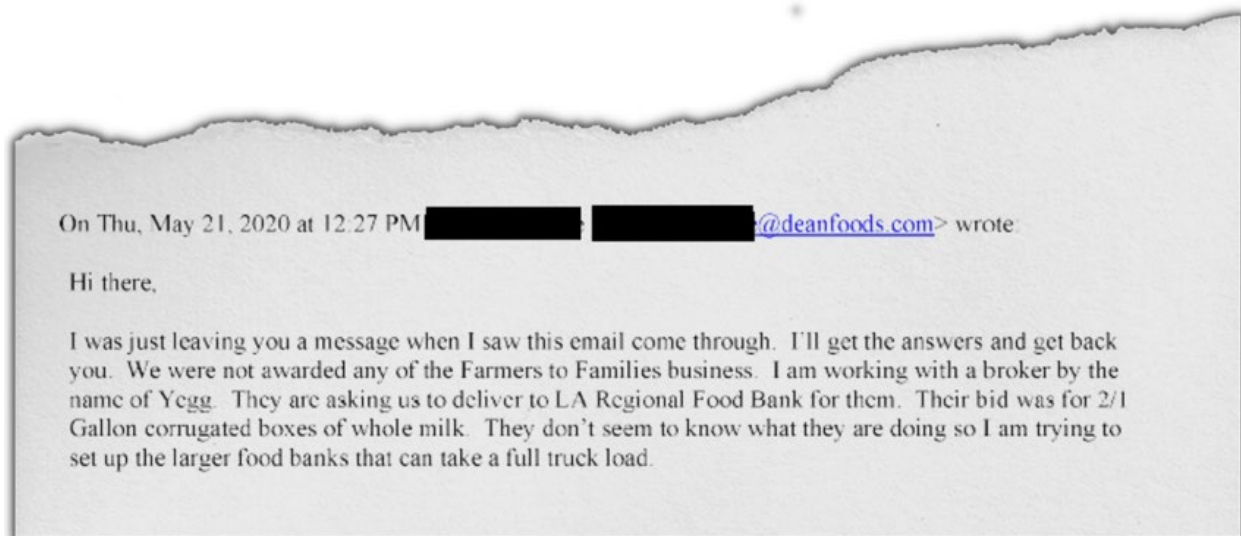


Figure 2: May 2020 email from Alta Dena Dairy representative, explaining that the dairy is coordinating deliveries because Food Box contractor Yegg "don't seem to know what they are doing."

In addition to requiring the dairies to deliver directly to the nonprofit organizations, Yegg appears to have pushed transport responsibilities onto recipient organizations. When an importer sent a request for milk, stating that it was making the request on behalf of a Guamanian nonprofit organization, Egbuonu responded: “[Y]ou will have to pick it up at our Dairy facility in Las Vegas, Nevada or Reno, Nevada.”⁵¹ In instances where the dairy producers handled packaging and shipping boxes to recipients or where recipients picked up boxes directly from the dairies, it is unclear whether Yegg performed any work in exchange for its charges to USDA beyond placing the orders with the dairy producer. Nevertheless, receipts of Yegg’s purchases from one dairy reflect that Yegg charged USDA over 150 percent of the amount that it paid to the dairy. For example, Yegg charged USDA \$20,979 for one delivery of 2,100 two-gallon boxes of milk to the Liberian American Community Organization of Southern California (LACOSC) in early June, representing \$9.99 per box of milk.⁵² These milk boxes had been purchased from and delivered by the dairy for \$13,272, or \$6.32 apiece.⁵³ Yegg therefore made \$7,707, or \$3.67 per box, on that delivery.

When Yegg did arrange for delivery to nonprofit partners, the deliveries were often late or otherwise unreliable, creating burdens on the nonprofits and their affiliates. In one instance, a recipient organization emailed Yegg at 12:25 PM to complain: “I’ve got 25 organizations here waiting for milk truck. Delivery window was 9-12.”⁵⁴ Another recipient worried that the lack of precision in Yegg’s delivery window made it challenging or impossible to distribute the dairy products: “Cant [sic] have 1,000 people at a food drive waiting 3 hours on driver.”⁵⁵ A director of one nonprofit stated candidly: “The whole thing was a disaster,” and described Yegg’s performance as “a horrible job.”⁵⁶ He informed Select Subcommittee staff that, on one occasion, Yegg delivered 2,500 more gallons of milk than it had promised to deliver, without regard to the fact that nearby nonprofits were also receiving large quantities of milk and that the product was likely to be wasted.⁵⁷ He also explained: “I had to pay for that refrigeration out of my own pocket. That cost me about \$350 every three or four days for refrigeration. We paid the price.”⁵⁸

c) *Yegg’s Pressure on Nonprofits and Resulting Food Waste*

Yegg also pressured recipient organizations to accept more milk than they could distribute. Egbuonu told nonprofits that he did not want to deliver trucks that were half-full, instructing one intermediary: “[N]otify your food banks that full truckload sizes is [sic] the standard delivery size. They can work with other agencies to pick up the excess/left overs [sic] if any.”⁵⁹ Another Yegg intermediary told one recipient: “If a truck arrives at a location and ... the product... is refused, your group will be banned indefinitely by the USDA from receiving any further shipments of milk or food products in the future.”⁶⁰ In another instance, Egbuonu wrote: “Blue Butterfly Village rejected the delivery today and Sabil Food Pantry said they can only take 5 pallets. We can’t have this [sic] places rejecting trucks. Can you follow up with Sabil Food [P]antry to ensure they take the 10 pallets... Otherwise we will have to remove them from the list.”⁶¹ Blue Butterfly Village’s Director explained that they rejected the delivery because Yegg and its partner organization were “trying to deliver too large a quantity. They were trying to deliver large pallets, and we have no food storage, no cold storage for that.”⁶² The food rejected by Blue Butterfly Village does not appear to have been charged to USDA; it is unclear whether the food was returned to the dairy, redirected, or wasted.⁶³

As a result of Yegg's high-pressure tactics, taxpayers paid for food boxes that did not reach American families. In a survey call with Select Subcommittee Majority staff, the head of One Love Food Ministry explained that one of Yegg's intermediaries arrived with more than double the expected amount of milk, and told One Love Ministry that it "'ha[d] to take them.'"⁶⁴ He went on to explain:

You have to do your homework for food distribution. He didn't do his homework. He dropped 5,000 gallons on us, and we don't have the ability to handle 5,000 gallons. He doesn't even have refrigeration. He doesn't have the means to distribute it. So much milk that could have gone to people was wasted.⁶⁵

d) *Red Flags Associated with Payments Approved by the Trump Administration*

Throughout Yegg's contract, the Trump Administration paid Yegg for deliveries supported by documentation that appeared questionable on its face, raising significant questions about the Trump Administration's deference to contractors and the quality of the Program's controls to detect and prevent potential fraud. For example, USDA's records show that Yegg submitted an invoice for 4,200 milk boxes, delivered on June 15, 2020 to Community Action Partnership.⁶⁶ The underlying delivery receipt shows a single line item of 1,050 boxes containing 2,100 gallons of milk (2 gallons per box), while listing the "total" number of boxes to be charged to USDA as 4,200—a miscalculation that was clear on the face of the document.⁶⁷ Although Yegg's original purchase order reflects that it in fact purchased 2,100 two-gallon boxes (4,200 gallons total), rather than 1,050 two-gallon boxes (2,100 gallons total),⁶⁸ Yegg charged USDA \$41,958, for 4,200 separate boxes of milk at its standard rate of \$9.99 per box, rather than charging for 2,100 two-gallon boxes (which would amount to \$20,979).⁶⁹ This price departed from Yegg's contract with USDA, which stated that Yegg would charge \$9.99 for "2 pack gallons Whole Milk,"⁷⁰ and from Yegg's prior practice of charging USDA \$9.99 for two-gallon boxes.⁷¹ It is unclear whether this miscalculated invoice, which appears to have allowed Yegg to make double the normal profit on its milk, represented an error or deliberate fraud by Yegg that should be reimbursed to taxpayers.

YEGG inc

DELIVERY RECEIPT
FOR USDA FOOD DISTRIBUTION PROGRAMS

DATE	PO NO.
6-15-2020	Y308

RECIPIENT INFO (SHIP TO)

ATT: [REDACTED]
Comm Action Partnership
696 S. Tippecanoe Ave
San Bernardino, CA 92408
Tel: [REDACTED] Email: [REDACTED]@capsbc.org.com

YEGG, INC.
2711 N. Sepulveda Blvd Ste 233
Manhattan Beach CA 90266
[REDACTED]@yegg-inc.com

USDA PO/ITEM NO	DESCRIPTION	QTY (GALLONS)	SIZE	NO OF BOXES
4100020145/ 005	910016-FLUID MILK	2100	2GL	1050
THANK YOU			TOTAL	4200

RECIPIENT SIGNATURE [REDACTED]

Figure 3: Photocopied delivery receipt citing an unsupported “Total” delivery of double the number of food boxes Yegg actually ordered.

The Trump Administration also approved a series of deliveries for which a single individual signed on behalf of multiple recipient organizations, which risked undermining USDA’s ability to prevent contractor fraud or to verify that the food boxes actually reached the organizations that would ultimately distribute food to the community. For example, the vice president of a nonprofit dedicated to international travel experiences signed for deliveries by Yegg to eleven other nonprofit or governmental organizations.⁷² He confirmed to Select Subcommittee staff that he coordinated the deliveries to other nonprofits, but that he was not consistently present to witness them.⁷³ He also explained that deliveries he had signed for were occasionally redirected to different nonprofit organizations than those reflected on Yegg’s delivery receipts.⁷⁴ Despite signing for multiple locations and entities, he received no contact from USDA to inquire about the documentation or to confirm that the deliveries had in fact taken place.⁷⁵ The CEO of another nonprofit recipient organization, who had signed approximately 18 documents to confirm deliveries to other end recipients, similarly explained that he was not present to witness all of the deliveries.⁷⁶ These individuals’ signatures nevertheless represented Yegg’s proof of final delivery. Based on Select Subcommittee staff’s survey calls with a number of the nonprofit organizations associated with these invoices, at least some of these deliveries

may have involved small nonprofits arranging further distribution to a broader group of eligible recipient organizations, so the Select Subcommittee cannot conclude that the deliveries did not occur despite the documentation irregularities. However, the Trump Administration should have minimized risks of potential fraud or falsification by requiring documentation from nonprofit end recipients and by identifying, and consistently following up on, repeat instances of delivery confirmations signed by a single individual on behalf of multiple end recipients.

In other cases, the Trump Administration appears to have paid for deliveries supported by documents that included misleading or inaccurate information, which created a risk of fraud by Food Box Program contractors. In the last week of the contract period, USDA paid Yegg approximately \$42,000 for deliveries to S.M.A.R.T. Moms, an organization that hosts weekly support meetings for single mothers in the basement of a small church.⁷⁷ Yegg's delivery receipts show that the food boxes for S.M.A.R.T. Moms were in fact sent to the address of California Avocados Direct, the company owned and operated by Ben Holtz Consulting, whose contract was canceled by USDA in May 2020.⁷⁸ USDA also paid Yegg nearly \$60,000 for milk deliveries to three locations in Southern California, for which Yegg's delivery receipts listed the primary nonprofit organization as "Elmcor Youth and Adult Activities, Inc." (Elmcor) under "recipient info."⁷⁹ In reality, an organization called the Farmlink Project (Farmlink) provided Yegg with a tax exemption letter from Elmcor in order to secure food box deliveries, without Elmcor's knowledge.⁸⁰ In a call with Select Subcommittee staff, Elmcor's Executive Director compared Farmlink's appropriation of Elmcor's 501(c)(3) status to "someone using your Social Security number to get an apartment," and explained that it was nonsensical for Yegg to list Elmcor on its invoices as a recipient in California: "It is absolutely inappropriate We don't have any form of national presence. We are truly a Queens [New York] based organization. Solely."⁸¹ USDA approved these invoices despite the New York-based nonprofit organization listed as the recipient organization in California.⁸² Although the Select Subcommittee does not have evidence to suggest that these deliveries failed to reach eligible nonprofits, it is unclear whether USDA may have missed other red flags in its limited oversight of deliveries and its significant deference to contractors over the selection of and delivery arrangements with recipient organizations.

The Trump Administration also reimbursed Yegg for large deliveries of milk and dairy boxes in which Yegg's principals were on both sides of the transaction, raising significant concerns over USDA's monitoring for conflicts of interest in the Program. USDA reimbursed Yegg for more than \$2.85 million for delivering milk and dairy boxes to "Helping Feet," a nonprofit organization that was operated by Egbuonu's wife and run out of office space rented by Yegg.⁸³ Egbuonu and his wife, Villars, who Egbuonu also described as the majority shareholder of Yegg, are Helping Feet's only officers.⁸⁴ Helping Feet does not own food transportation vehicles, own or lease real estate, or own or lease cold storage space.⁸⁵ Egbuonu incorporated Helping Feet in 2007 as a California nonprofit organization "to provide Debt Consolidation, Educational and Recreational Purpose," and amended its articles of incorporation in July 2020 to identify additional purposes including "Acquisition of Vacant Land for Construction of Residential Dwellings and Subsequent Sale or Rent to Low-Income Persons," "Protection of Endangered Animals and Species," and "Waste Water Management."⁸⁶ Helping Feet currently advertises itself primarily as a nonprofit accepting donations of land and real estate properties in exchange for tax benefits.⁸⁷

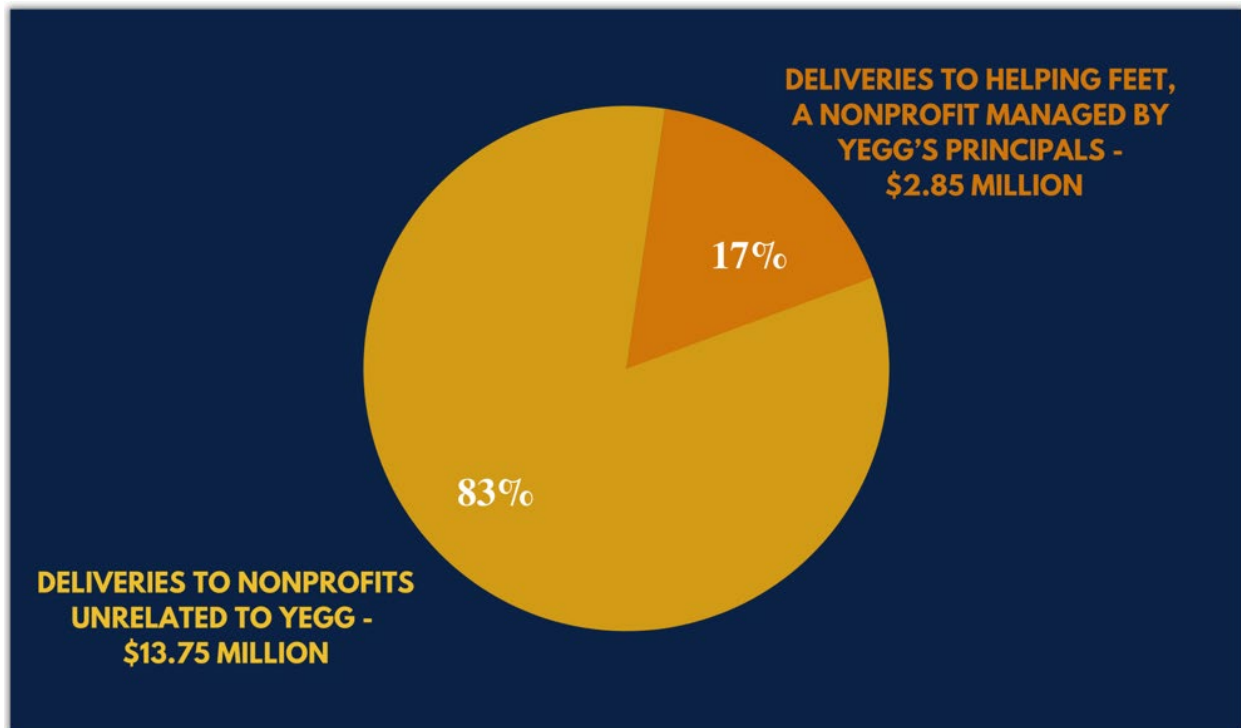


Figure 4: Chart illustrating the significant proportion of Yegg's deliveries that were purportedly delivered to Helping Feet, a nonprofit organization managed by Yegg's own principals.

At least some portion of the milk invoiced for Helping Feet was distributed in milk giveaways coordinated with the City of Gardena. However, as discussed in the next section of the report, the Select Subcommittee identified a large invoice for a delivery to Helping Feet that had not actually occurred, and was unable to confirm that all of the milk charged in that invoice was actually ordered from a dairy and distributed to nonprofits. The significant role of Helping Feet in Yegg's contract, from which Yegg's owners were poised to profit, raises significant concerns about the Program's controls to monitor conflicts of interest and risks of fraud.

It is unclear whether the Trump Administration was aware of the relationship between Helping Feet and Yegg, but publicly available documents, which existed prior to the Food Box Program, identify Egbonu as Helping Feet's incorporator and Egbonu and Villars as officers or directors of both Yegg and Helping Feet.⁸⁸ Section 9.5 of the FAR requires USDA to examine information to identify and evaluate potential organizational conflicts of interest prior to awarding a contract.⁸⁹ It is not clear whether or by what process USDA completed that requirement in this instance. This question, as well as the sufficiency more generally of the Trump Administration's review of prospective contractors in the Food Box Program, merits further examination by USDA's OIG. However, regardless of whether USDA's procedures complied with applicable law, USDA should have identified this conflict when they were examining suspicious invoices for purported deliveries to Helping Feet late in the contract period, and should have applied extra scrutiny as a result of Helping Feet's connection to Yegg. As discussed in the next section, they failed to do so.

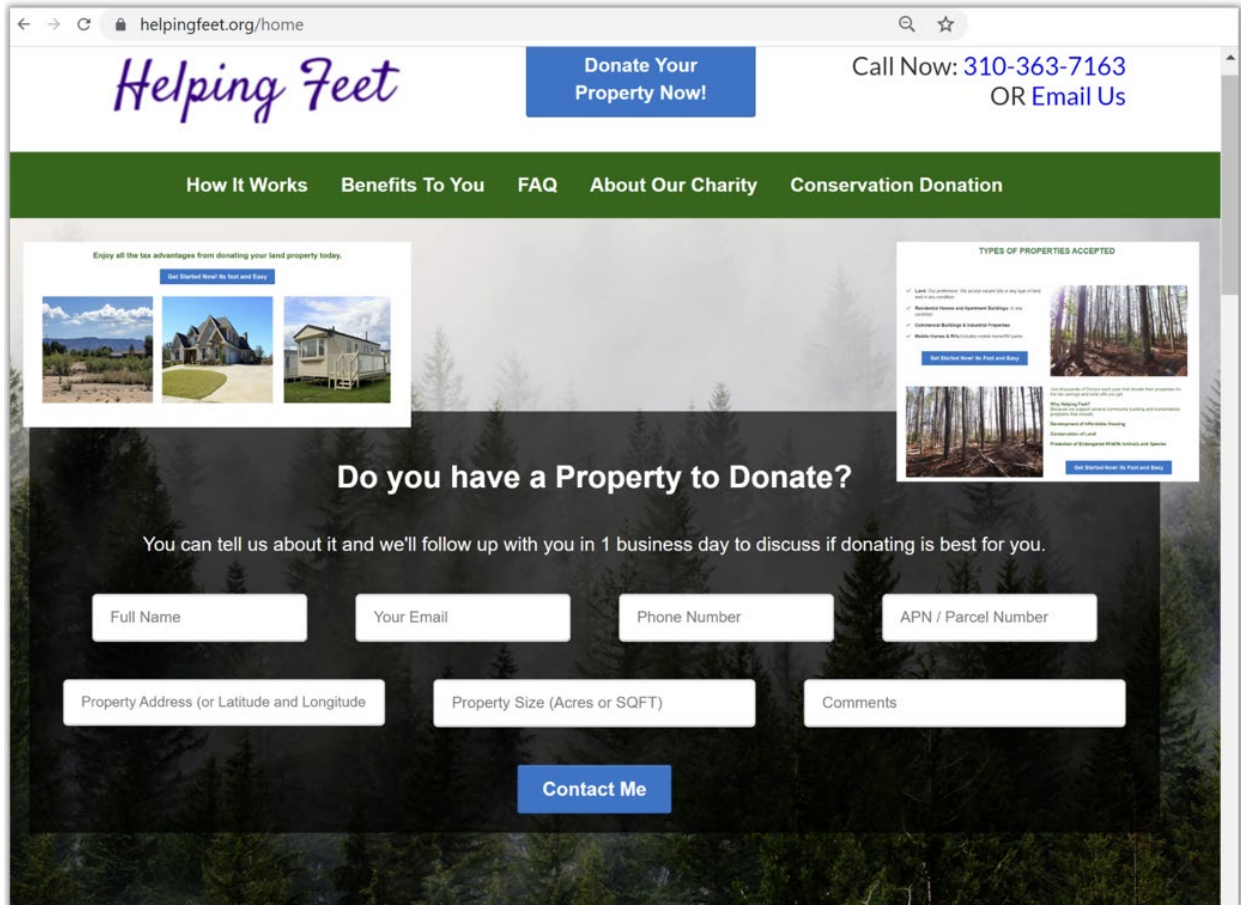


Figure 5: Screenshot of the website for Helping Feet, the nonprofit partner owned by Yegg’s principals, showing that Helping Feet is a real estate donation business as of August 2021.

e) *Invoices Reflecting Boxes Not Delivered or Delivered Outside the Contract Period*

Yegg was required, by the terms of its contract with USDA, to make all deliveries within the six-week base period ending June 30, 2020 in order to receive payments for them.⁹⁰ The Select Subcommittee identified seven invoices—representing a total of \$7.95 million of its \$16.5 million contract—for deliveries made after that base period.

Rather than forfeit potential payments from USDA, Yegg arranged to have three nonprofit organizations, including Helping Feet, sign for receipt of more than \$3.8 million worth of fresh whole milk days before the end of the contract period without having actually delivered the milk.⁹¹ Although USDA flagged these large invoices for additional review, it ultimately approved these invoices based on misleading explanations that the milk had been “delivered” to nonprofits but was being “stored” at milk production facilities for distribution after the contract period closed.

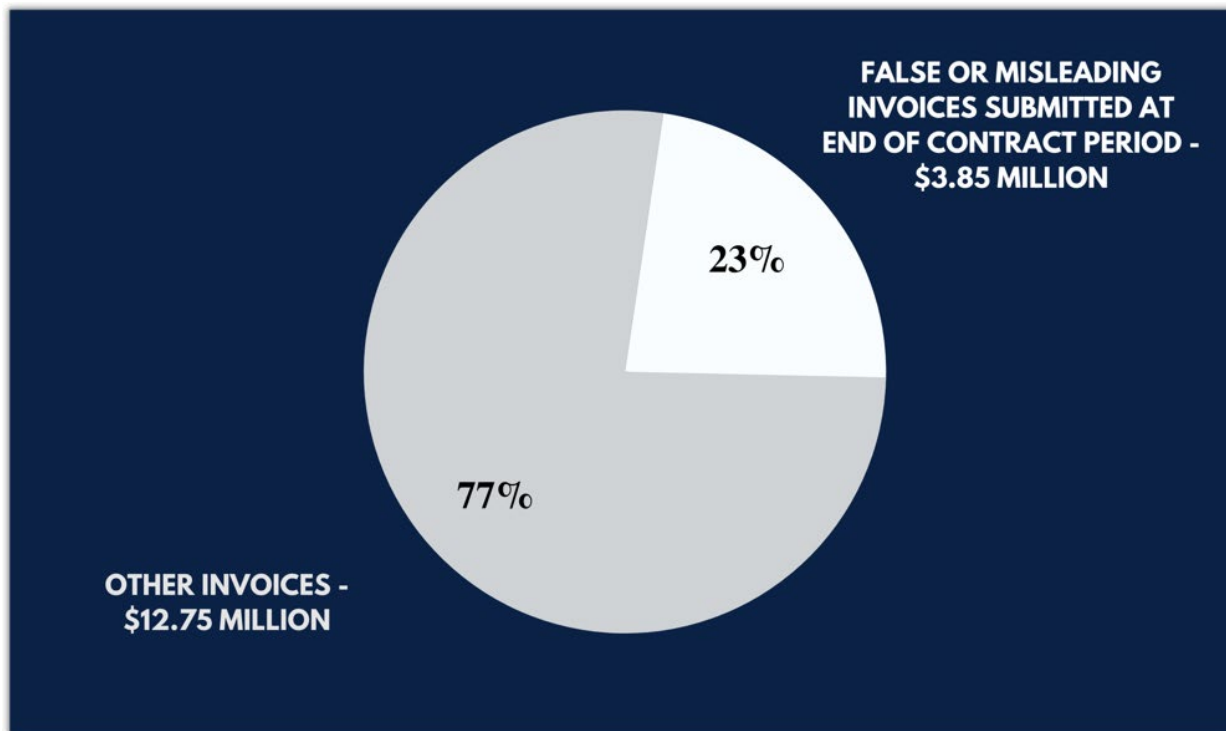


Figure 6: Nearly a quarter (over 23%) of Yegg’s \$16.5 million in charges to USDA were represented by three misleading, late-stage invoices.

Just one day before the contract period ended, Yegg charged USDA over \$1.7 million for a single shipment of fluid milk boxes, purportedly delivered on June 29, 2020 to Helping Feet, the nonprofit managed by Egbonu’s wife.⁹² The address for this “delivery” was Alta Dena Dairy, the producer of the milk.⁹³ Egbonu explained to Select Subcommittee staff that the documents USDA approved to substantiate the \$1.7 million payment did not reflect transportation or delivery of any product at the time; instead, the milk remained at Alta Dena Dairy, and Yegg planned to distribute the milk to nonprofit organizations at some point after the contract period.⁹⁴ Egbonu acknowledged that none of this milk was transported on June 29, 2020, nor was it placed into a separate storage facility at the plant, and that Alta Dena did not charge Yegg or Helping Feet a storage fee.⁹⁵ Records of Yegg’s purchases from Alta Dena show that Yegg did not place any single order of the size reflected in the invoice and delivery receipt.⁹⁶ Furthermore, although Yegg placed some orders for milk with Alta Dena on or after June 29, at least 95,175 of the boxes reflected in the final invoice and delivery receipt (comprising \$950,798.25 of the charges to USDA) were not, in fact, purchased from Alta Dena.⁹⁷

Because Yegg says that it did not maintain all purchase orders for food boxes—and USDA did not require it to do so—Select Subcommittee staff was unable to confirm whether Yegg ordered the remaining portion of the invoiced boxes from other dairy producers and delivered them to nonprofits, or whether Yegg simply never purchased or delivered those boxes. USDA nevertheless approved and paid this invoice on the basis of an email from Helping Feet claiming that the truckloads of milk had been “receive[d]” by Helping Feet but that “storage and deliveries” were being arranged through the dairy producer, Alta Dena.⁹⁸ USDA did not contact Alta Dena to confirm that they were in fact “storing” milk or even to confirm that Yegg had placed the orders in the first instance.⁹⁹ In response to inquiries by Select Subcommittee staff,

Alta Dena representatives confirmed that it would not have been possible for Alta Dena to have stored dairy products for a customer.¹⁰⁰ Due to USDA's payment of an invoice for milk that was purportedly still at the dairy, USDA's failure to take reasonable steps to confirm that the milk invoiced and described in the email had at least been ordered and stored, and USDA's apparent failure to identify the overlap in Yegg's and Helping Feet's management, taxpayers paid for milk that the Select Subcommittee could not confirm had been actually distributed to nonprofits.

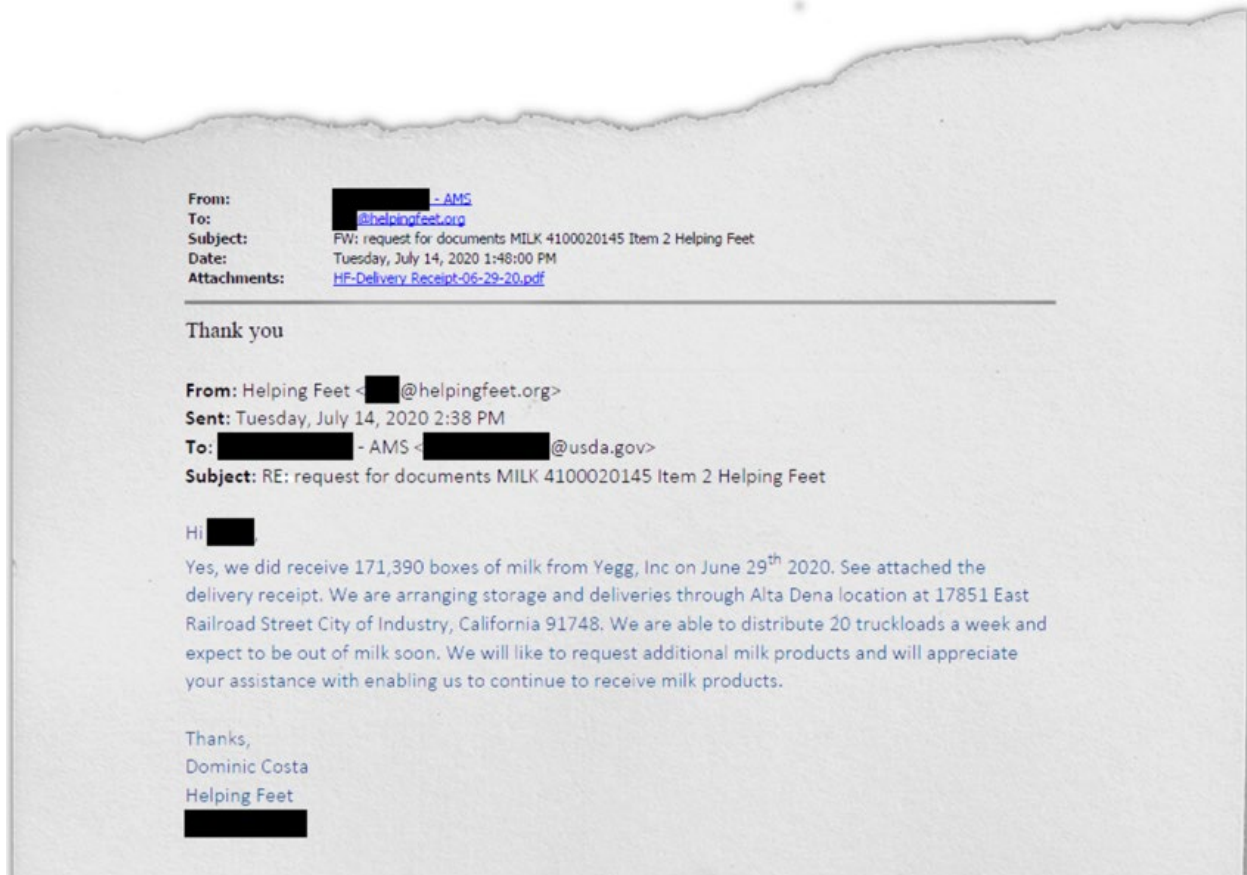


Figure 7: Email from Manager, Helping Feet, to USDA, stating that deliveries are incomplete as of July 2020 and acknowledging that invoiced milk remains at Alta Dena Dairy.¹⁰¹ USDA nevertheless approved Yegg's false invoice for delivery of the milk.

Yegg also submitted an invoice for a large delivery on June 27, 2020 to LACOSC for 259,200 gallons of milk worth nearly \$1.3 million dollars.¹⁰² The listed destination on the delivery receipt was Producers Dairy Foods, Inc.¹⁰³ Neither Yegg nor LACOSC took physical possession of the milk at this time: as with Helping Feet, the milk for LACOSC was being "stored" at the dairy producer; the signature on the delivery receipt constituted an agreement by the nonprofit to arrange deliveries for dates after June 30, 2020, and to hold subsequent milk giveaways until all 259,200 gallons were handed out to needy individuals.¹⁰⁴ A representative of a third nonprofit, the Blessing Center, signed for delivery of 84,480 two-gallon milk boxes, worth \$840,000, on June 28, 2020.¹⁰⁵ This delivery had not occurred either: the Blessing Center's CEO informed Select Subcommittee Majority staff that Egbonu had told him the milk reflected in the delivery receipt was being stored at Model Dairy in Reno, Nevada, and explained

to him: “If you want this milk, you have to sign for it now.”¹⁰⁶ The Blessing Center ultimately received the milk deliveries after the contract period closed.¹⁰⁷

Egbonu informed Select Subcommittee staff that USDA contacted Helping Feet, LACOSC, and The Blessing Center and that “everyone told them what the plan was.”¹⁰⁸ On June 30, 2020, a USDA contracting specialist sent an email directly to Egbonu stating, “The Government will not pay for any deliveries made or costs incurred after June 30th.”¹⁰⁹ She sent another email on June 30, 2020 reiterating this message to all contractors: “All base period deliveries must be **COMPLETED today**.”¹¹⁰ Nevertheless, as discussed further below, the Select Subcommittee obtained subsequent emails confirming that USDA was aware of and flagged Yegg’s final, large deliveries, but approved them despite learning that some of the milk remained at the dairy companies.

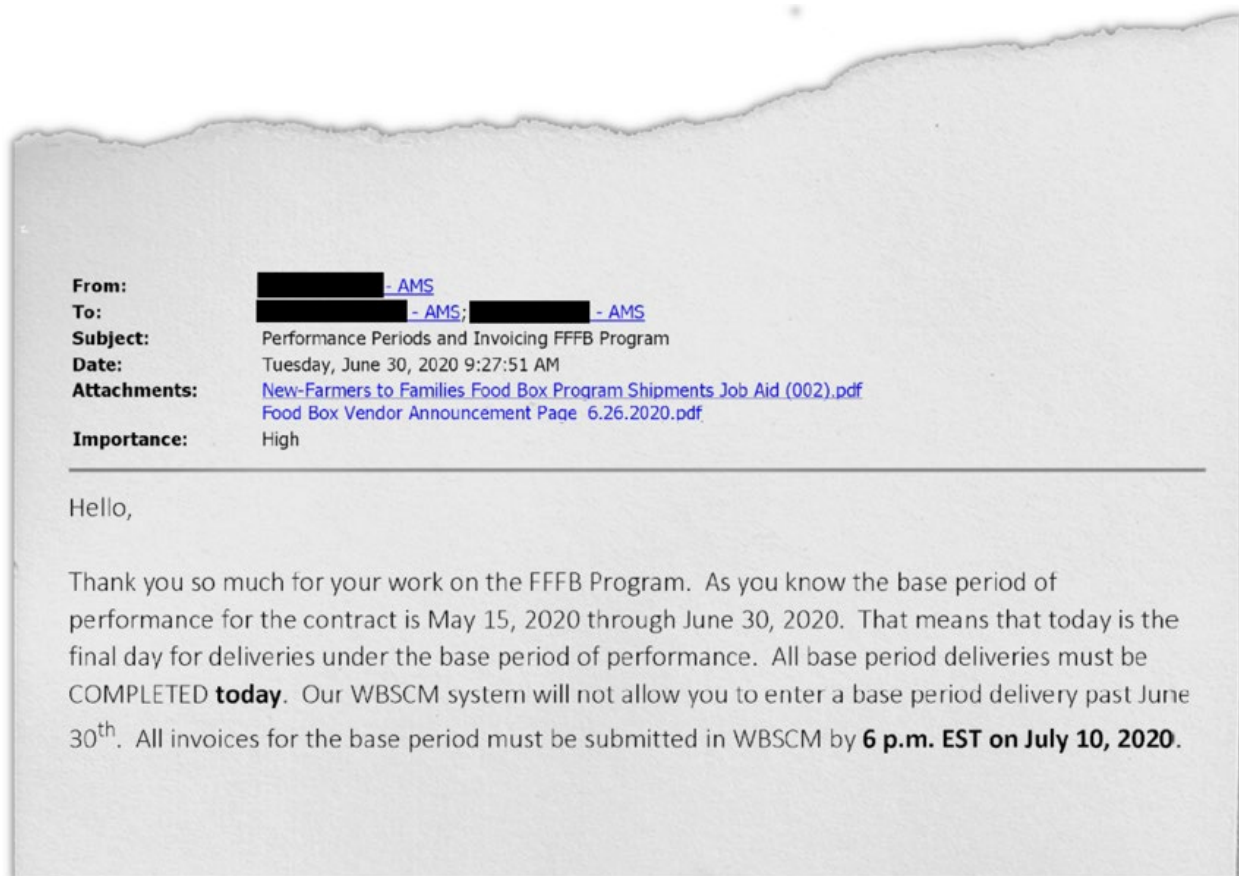


Figure 8: Email from USDA confirming that the Program required deliveries to be completed by June 30, 2020.

USDA officials held a meeting on July 8, 2020 to discuss what the Division Director subsequently referred to as Yegg’s “very large ‘last day’ deliveries.”¹¹¹ In response to outreach, representatives of the three nonprofits explained directly to AMS staff, by email, that deliveries were occurring in the post-contract period (*i.e.*, after June 30, 2020), and that some or all of the milk was, in the interim, being “stored” with the dairy companies that were producing the milk.¹¹² After receiving these emails, USDA approved the flagged invoices from Yegg for \$3.85 million, despite having contracted with Yegg only for deliveries through June 30, 2020, and

despite being aware that at least some milk had not been shipped from the dairy producers.¹¹³ One of the three dairy companies confirmed to Select Subcommittee staff that Yegg was not in fact storing milk with them, and that USDA did not, to their knowledge, reach out to them to confirm that Yegg was doing so; it remains unclear whether either of the other two dairies were storing milk for Yegg or were contacted by USDA.¹¹⁴ Egbuonu confirmed that USDA did not request documentation evidencing that the additional milk deliveries were completed after June 30.¹¹⁵



Figure 9: Email from LACOSC to USDA explaining that 129,600 boxes of milk invoiced to USDA were still being “stored” with the dairy producer as of mid-July 2020.

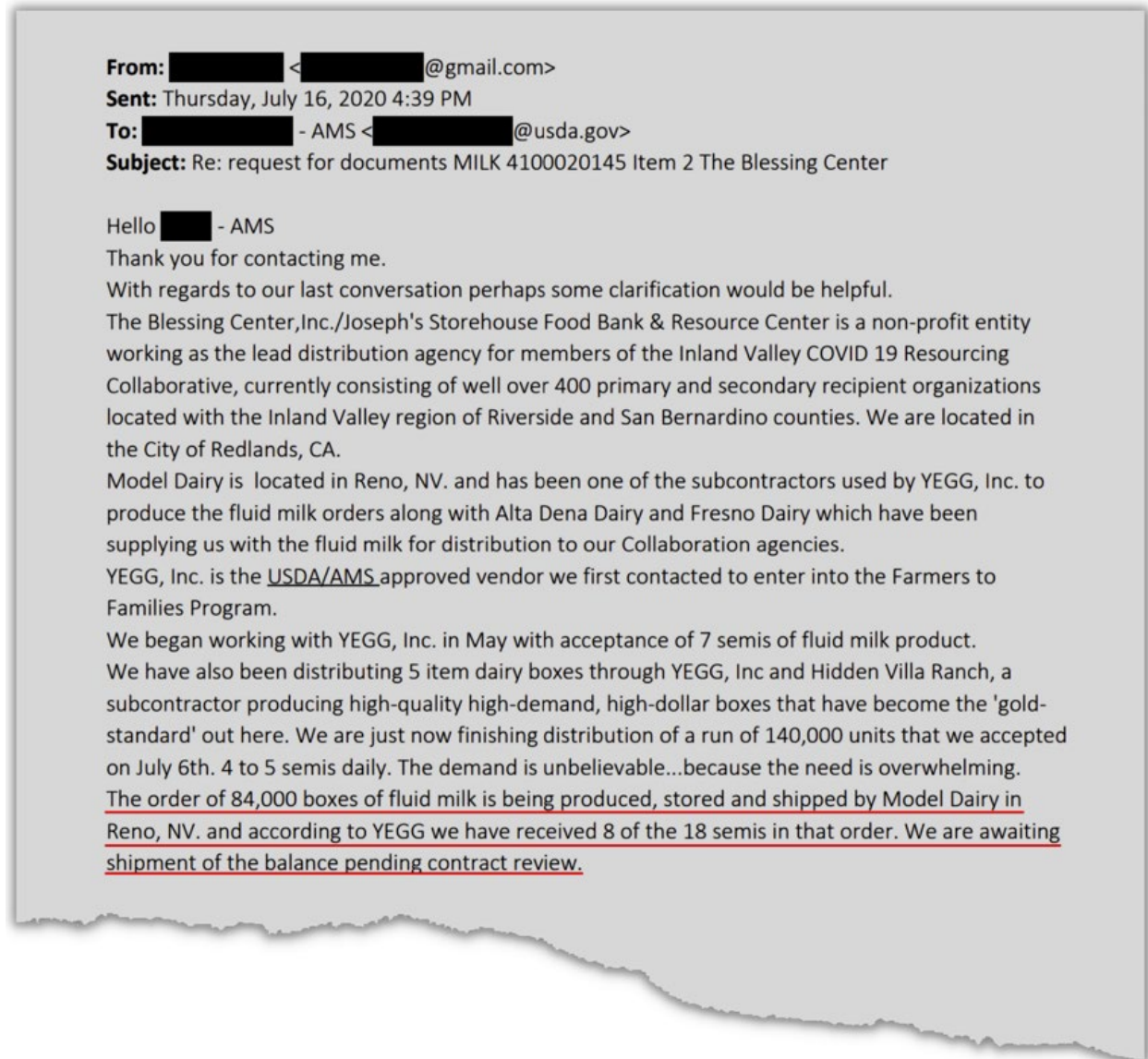


Figure 10: Excerpt of email from the Blessing Center to USDA explaining that the majority of 84,480 boxes of milk invoiced to USDA was still being “produced, stored and shipped” by the dairy company as of mid-July 2020.

Yegg voluntarily provided the Select Subcommittee with the delivery receipts they claimed to have kept for post-June 30, 2020 deliveries. In total, Yegg provided bills of lading for 601,908 gallons of milk delivered after the contract period.¹¹⁶ Under the plan approved after the fact by USDA, the 770,940 gallons of milk reflected in the three large late-June invoices were to be delivered and distributed after the close of the contract period.¹¹⁷ Select Subcommittee staff asked Yegg for purchase orders to substantiate that Yegg actually purchased the invoiced 770,940 gallons from dairy producers, but Yegg stated that it had not retained the documents on the understanding that USDA did not require them.¹¹⁸ In other words, neither Yegg nor USDA currently have documentation of final delivery for approximately 169,032 gallons of milk worth over \$844,000 in taxpayer funds—an amount that Yegg must return to taxpayers unless OIG’s comprehensive review identifies new documentation or evidence that those gallons were

ultimately delivered to eligible nonprofits. The absence of these records suggests that the Program, as managed under Secretary Perdue, was highly vulnerable to potential fraud.

In addition to the late-stage deliveries, Yegg submitted two invoices from June 19, 2020 and two invoices from June 20, 2020, the delivery receipts for which were signed by the Blessing Center's representative.¹¹⁹ In total, these four invoices charged taxpayers for 140,000 mixed dairy boxes, for which Yegg was paid approximately \$4.1 million.¹²⁰ During a survey call from Select Subcommittee Majority staff, the Blessing Center's representative acknowledged that he did not receive delivery of any product at the time of signature; instead, Yegg asked him to sign for receipt of the dairy boxes in order to secure future deliveries from Yegg's "subcontractor" Hidden Villa Ranch.¹²¹ The four delivery receipts list the address for Hidden Villa Ranch—the producer who made the products and packaged the boxes—as the delivery location.¹²² Asked by Select Subcommittee staff why he signed four separate delivery confirmations for an agreement to receive boxes at a later point in time, the Blessing Center's representative explained that he "wasn't aware every box had to be distributed" before they signed for receipt of the product; he was instead "just confirming that we would accept delivery."¹²³ He ultimately received these deliveries in July, after the end of the contract period.¹²⁴

f) *Additional Documentation Irregularities*

A nonprofit recipient organization denied receiving \$584,400 in food boxes that Yegg charged to taxpayers. The Trump Administration paid Yegg for delivering 20,000 dairy boxes to Greater New Life Church in Lancaster, California on June 5, 2020, via the international travel nonprofit that Yegg partnered with.¹²⁵ Yegg's delivery confirmation for this order was signed by the travel nonprofit's vice president, who had signed for multiple deliveries by Yegg to various end recipient organizations.¹²⁶ In communications with Select Subcommittee Majority staff, he recalled that the boxes had been delivered as reflected in the delivery receipt.¹²⁷ The pastor of Greater New Life Church, however, told Select Subcommittee staff that the church did not receive this delivery.¹²⁸ To the extent that changes were made to this planned delivery, those changes were not reflected in the signed delivery receipt made available to the Select Subcommittee or in the records provided by USDA. The Select Subcommittee was therefore unable to trace the ultimate destination of any milk delivered in connection with the June 5 invoice for 20,000 dairy boxes. Because the Select Subcommittee confirmed that the travel nonprofit occasionally redirected milk deliveries among nonprofits for good faith reasons, without updating their delivery documentation, the Select Subcommittee was unable to confirm that this particular delivery was fraudulent. At a minimum, however, the Trump Administration's failure to require more rigorous documentation created a significant opportunity for contractors to misappropriate emergency funds.

YEGG inc

DELIVERY RECEIPT
FOR USDA FOOD DISTRIBUTION PROGRAMS

DATE OF SHIPMENT	PO NO.
06/05/2020	Y282

RECIPIENT INFO (SHIP TO)
 Brockman Institute
 Greater New Life Church
 45127 10th Street
 West Lancaster, CA 93534
 Tel: [REDACTED] Email: [REDACTED]@brockmaninstitute.net

YEGG, INC.
 2711 N. Sepulveda Blvd Ste 233
 Manhattan Beach CA 90266
 [REDACTED]@yegg-inc.com

USDA PO/ITEM NO	DESCRIPTION	WEIGHT (lbs.)	NO OF BOXES
4100020145/ 0002	910011-DAIRY PRODUCTS BOX	300000	20000
TOTAL			20000

THANK YOU

RECIPIENT SIGNATURE *[Signature]*

RECIPIENT NAME AND TITLE *John Crocker Operations*

DATE RECEIVED *06-05-20*

Figure 11: Photocopied delivery receipt, signed by an individual who had confirmed deliveries to eleven different nonprofits that he was not consistently present to witness, reflecting a delivery of food boxes from Yegg to Greater New Life Church that the Church later denied receiving.

In at least one other instance, the Trump Administration paid Yegg for a delivery that did not occur as reflected in Yegg’s supporting documents. USDA paid Yegg \$639,450 for the delivery of 21,884 dairy boxes on June 6, 2020, which the delivery receipt addressed to Eastvale Bible Church.¹²⁹ The pastor of Eastvale Bible Church told Select Subcommittee staff that the delivery to Eastvale did not occur, because Eastvale could not accept the amount of food offered by Yegg, and that the milk had to be directed elsewhere.¹³⁰ Two other nonprofits verified that at least some overflow milk boxes had been redirected to them, but were not able to verify quantities.¹³¹ These changes were not reflected in Yegg’s delivery receipts and invoices to USDA, and one of the nonprofits informed the Select Subcommittee directly that USDA had never contacted them to confirm receipt.¹³²

g) *The Trump Administration's Limited Oversight of Yegg's Contract*

The irregularities in Yegg's documentation and delivery process raise questions about whether all of the deliveries that Yegg charged to USDA actually occurred, which organizations actually received the deliveries, and whether the contractor defrauded American taxpayers. Because the Program did not include any reporting requirements for the nonprofit or government organizations that partnered with the contractors,¹³³ the Select Subcommittee was unable to determine whether some of the deliveries reflected in Yegg's invoices were abandoned, never initiated, or simply redirected among a series of small, local nonprofits that did not keep rigorous records of these events. At a minimum, Yegg submitted false invoices to USDA for deliveries that had not yet occurred, and encouraged nonprofit organizations to sign for deliveries before they had been completed.

It remains unclear why USDA, under Secretary Perdue's leadership, failed to obtain, review, and/or follow up on irregularities in delivery receipts to confirm that food boxes actually reached recipient organizations, and why USDA paid for deliveries by Yegg outside the contract period without confirming that Yegg had rendered the services promised (*i.e.*, ensured that all of the invoiced products were transported from the producers to nonprofits and distributed to needy communities).

2. CRE8AD8, LLC

CRE8AD8, LLC, a small events-planning business in Texas run by Greg Palomino, was awarded the seventh-largest contract, at \$39.1 million, in the first round of the Food Box Program.¹³⁴ As discussed further below, CRE8AD8 did not have significant experience in the type of food distribution called for by the contract, resulting in unsafe food temperatures and inappropriate or unusable food box contents. Nevertheless, taxpayers ultimately reimbursed CRE8AD8 for approximately \$31.5 million in food box deliveries,¹³⁵ and CRE8AD8's president informed the Select Subcommittee that his company made between 10 and 25 percent profit (*i.e.*, between approximately \$3.1 million and \$7.75 million) on its deliveries for the Food Box Program during its month of participation.¹³⁶

a) *CRE8AD8's Inexperience and Reported Misrepresentations*

Despite their significant award, CRE8AD8 does not appear to have been founded for, fully equipped for, or significantly experienced in shipping large quantities of food. At the time of its award from USDA, CRE8AD8's website described the company as an "EVENT MARKETING AGENCY."¹³⁷ Although Palomino informed Select Subcommittee staff that at least one member of his team—Palomino's father—had significant experience in food distribution,¹³⁸ CRE8AD8 publicly described its employees as "Planners, Marketing Professionals, Travel Agents, Concierge & Management," without emphasizing any employees specializing in food shipments.¹³⁹ Multiple media outlets characterize Palomino primarily as a "wedding planner."¹⁴⁰ CRE8AD8's website currently lists its services as "company events," "destination services," and "weddings" and lists accolades from popular wedding website The Knot.com and a "Brides Choice" award from Wedding Wire.¹⁴¹ According to his statements to reporters and one of his partner nonprofit organizations, Palomino considered his company

qualified to deliver millions of dollars' worth of food boxes for the needy because the project was “just like” his usual work—“stuffing little tchotchkes into bags.”¹⁴²

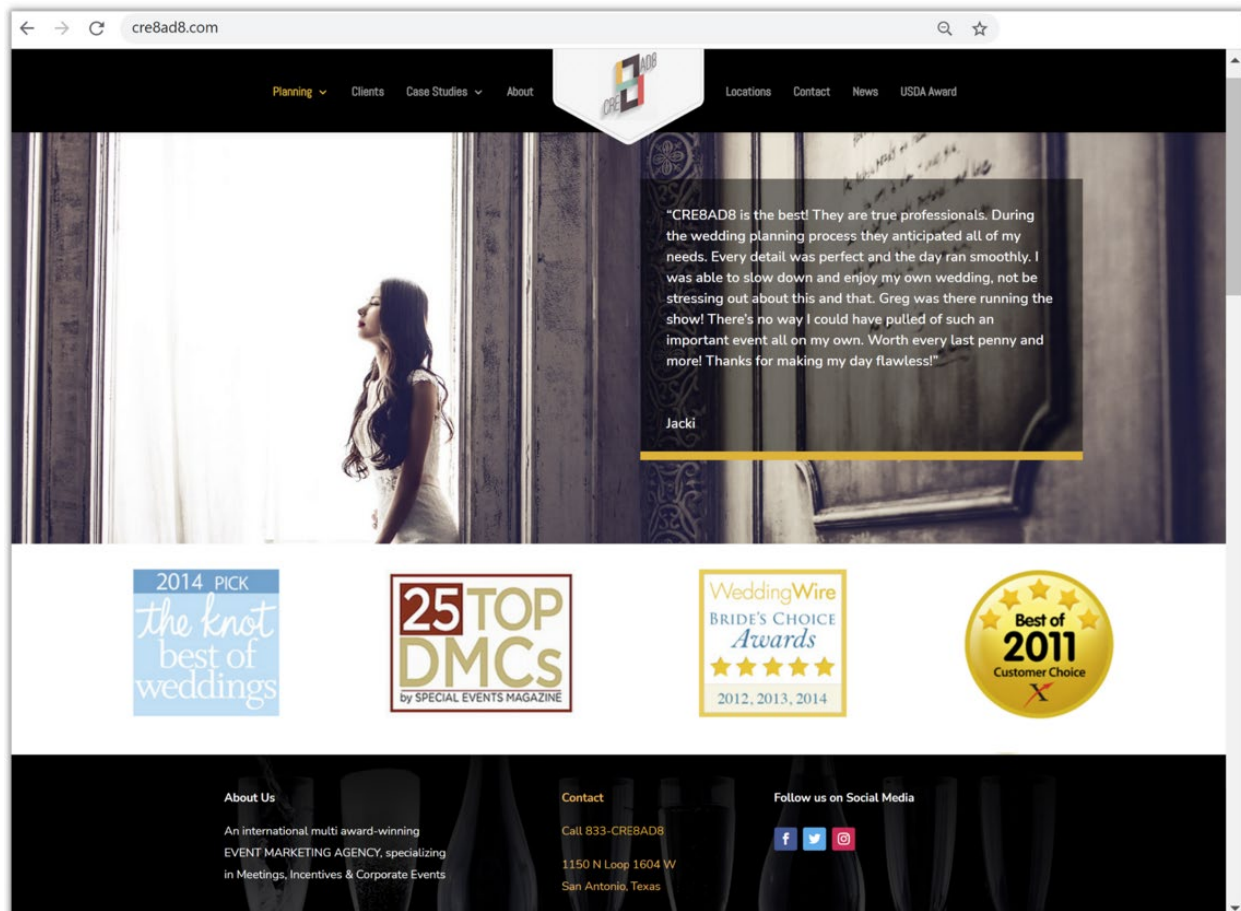


Figure 12: Screenshot of CRE8AD8's website, highlighting CRE8AD8's primary business of wedding planning.

CRE8AD8's communications with AMS staff put USDA on notice of CRE8AD8's lack of relevant experiences and capabilities. In his communications with USDA, Palomino's email signature characterized CRE8AD8 as a “Meeting & Event Planner[.]”¹⁴³ As Palomino informed AMS staff, CRE8AD8 lacked a Perishable Agricultural Commodities Act (PACA) license, which AMS's website describes as “proof to your customers and suppliers that you are a serious business person” and as a requirement for “[w]holesalers, processors, truckers, grocery wholesalers, and foodservice firms.”¹⁴⁴ Palomino appeared in emails to USDA to be unfamiliar with the PACA requirements, stating: “[W]e're waiting on the PACA License to be approved as it was not originally a requirement and was verbally added in the webinar on May 12.”¹⁴⁵ Nearly a month after it announced contract awards—and over a third of the way into the six-week delivery period for round one—AMS staff emailed CRE8AD8 asking them to address the fact that “Little to no documentation or detailed explanation of relevant professional training or experience [was] included [in CRE8AD8's submitted proposal] to substantiate contractor's knowledge and ability to execute [the] contract in compliance with applicable food regulation.”¹⁴⁶

Although they were aware that CRE8AD8 was not a sophisticated agricultural distributor, USDA under the Trump Administration failed to provide the level of support and guidance that might help a small business execute its eight-figure contract. Palomino informed Select Subcommittee staff that CRE8AD8 would email or call USDA a daily basis with questions, sometimes on time-sensitive issues, only to wait weeks for responses.¹⁴⁷ The replies CRE8AD8 did receive were not always responsive or helpful. In an email exchange in the first week of June 2020, Palomino inquired whether he needed a certification for repackaging food in CRE8AD8's in-house facility; he received a response that said only: "You need to follow all FDA and USDA regulations and guidelines on packing or repacking product."¹⁴⁸ Palomino reported that USDA's general unresponsiveness was "discouraging," adding: "We could have used support from USDA. We're trying to get things done. If there's no communication, we're kind of set up to fail."¹⁴⁹

Public reporting has also suggested that CRE8AD8's and Palomino's credentials would not have withstood basic scrutiny, had the Trump Administration opted to review the contractor more closely before awarding it one of the largest first-round contracts. In May 2020—a week and a half before AMS reached out to CRE8AD8 with the above questions regarding its experience—the *San Antonio Express-News* reported that it had called entities listed on CRE8AD8's website as clients, only for those companies to deny ever having done business with the firm; it further reported that Palomino's LinkedIn profile contained a misrepresentation about his receipt of an event planning award by the North Dakota state government.¹⁵⁰ The President and CEO of the San Antonio Food Bank likewise informed the Select Subcommittee that his basic research into CRE8AD8 had raised concerns about CRE8AD8's public representations:

I went to their website and saw they had lots of logos of big corporations on their websites, and I reached out to [the corporations], and they said, "We don't have a relationship with them; they're fraudulently using our logo." And I was like, "Oh, crap! Who did USDA award this to?"¹⁵¹

In an interview with Select Subcommittee staff, Palomino disputed the accuracy of the public reports and the statements by the head of the San Antonio Food Bank.¹⁵² The website for CRE8AD8's Food Box Program project, CRE8AMEAL, continues to list the San Antonio Food Bank as its "Partner" organization.¹⁵³

b) *Unreliable and Unsafe Deliveries by CRE8AD8*

CRE8AD8's lack of experience, in combination with the Trump Administration's failure to adequately prepare the small business to take on a large contract, created significant logistical problems for deliveries during the six-week contracting period. Upon an inquiry by USDA weeks after the *San Antonio Express*'s initial reporting on CRE8AD8, CRE8AD8 informed USDA that "shipment had not yet begun," so "there were no facilities available for USDA inspection" as of early June 2020.¹⁵⁴ Palomino explained to the Select Subcommittee that the delays were due in part to USDA's failure to immediately clarify that a PACA license would be required to participate in the Program or to explain its invoicing system to the contractor.¹⁵⁵ Following these initial delays, CRE8AD8 ultimately failed to deliver on nearly 20 percent of their \$39.1 million round one Food Box Program contract.¹⁵⁶

In some cases, the deliveries that did arrive were poorly coordinated or inappropriate for consumption. The Central Texas Food Bank informed the Select Subcommittee that CRE8AD8 “wouldn’t work with us to see if we were able to take [loads of boxes]” prior to arranging deliveries.¹⁵⁷ Deliveries were also sometimes inappropriately packaged for distribution. The Central Texas Food Bank described a CRE8AD8 delivery: “Every box you picked up, the bottom fell out of. . . . I told them, ‘I’m sorry, we can’t take this.’”¹⁵⁸

CRE8AD8 also provided food banks, which cater to individuals and families, with commercial meat products not packaged for consumer use. The head of the San Antonio Food Bank described receiving “protein boxes” for distribution to needy individuals that actually contained “big commercial bags of chicken.”¹⁵⁹ The food bank had to make extra effort to provide customers with instructions to safely cook and consume the box contents, despite efforts to request assistance from the Trump Administration:

I called CRE8AD8 they were like, “Put it in the microwave,” and then I called the manufacturer, and I asked for a label so we can give them to families, and they said, “USDA signed off; we don’t have to talk to you.” Both the manufacturer and CRE8AD8 said that. I emailed USDA, and they said, “It meets our requirements,” and I said, “For what?” And they said, “For commercial purposes,” and then I said, “You know these are going to families and not to commercial entities, right?” And then USDA didn’t want to talk to me anymore. . . . Finally, the manufacturer sent us some instructions, and we printed it off and made our own labels.¹⁶⁰

The head of the San Antonio Food Bank contrasted CRE8AD8’s boxes with those of more experienced distributors, whose protein boxes typically contained a variety of food for family or individual consumption such as “a package of hot dogs and some pork sausage and some pork patties,” or “some chili and some burritos and some shredded chicken.”¹⁶¹ Unlike those boxes, “[w]ith CRE8AD8, it’s five-pound boxes of peppered chicken There’s no thought for the recipient.”¹⁶²

In addition to inappropriate food box contents, CRE8AD8’s deliveries may have exposed box recipients to unnecessary health risks. The head of the San Antonio Food Bank explained: “They said they knew people from limousine companies they thought could help with delivery, even though it was all frozen or perishable food.”¹⁶³ The Central Texas Food Bank described similar problems arising from CRE8AD8’s inexperience: “They were very sketchy. They didn’t seem to understand how food banks work. They didn’t understand that you couldn’t send us bad food and expect us to take it.”¹⁶⁴ The Central Texas Food Bank explained that food was wasted because CRE8AD8 did not abide by industry standards: “I documented exactly why it was rejected. Regarding CRE8AD8, the temperature the produce came in at was not in the right range. It’s a food safety issue.”¹⁶⁵ USDA was on notice of potential temperature issues; Palomino, in emails with AMS staff, stated: “Since the food banks and nonprofits accepted [the deliveries], we should be good, however not all delivery sites were able to do temp checks, which was their discretion.”¹⁶⁶

On at least one occasion, CRE8AD8 may have threatened to penalize recipient organizations that objected to the contractors' standards in favor of working with nonprofits lacking a demonstrable ability to distribute food safely. The head of the San Antonio Food Bank explained to Select Subcommittee staff: "When we saw things like rotten food and wet or collapsing boxes, we would say something. They took it as, 'We don't want to work with these guys. Let's go work with a side-of-the-road truck stop church because they're just happy to get food, and they'll be happy to put us on their social media.'"¹⁶⁷

The Trump Administration's large award to this inexperienced contractor, without sufficient guidance and oversight, frustrated the goal of providing safe and appropriate food to hungry American families at low cost to nonprofit organizations.

c) *Irregular Invoices Approved by the Trump Administration*

The Select Subcommittee's investigation of CRE8AD8 raised questions about invoices that CRE8AD8 submitted to USDA and that USDA paid under the Trump Administration. For example, USDA paid CRE8AD8 more than \$300,000 for two deliveries that appear to list a for-profit entity as the recipient. USDA provided the Select Subcommittee with a spreadsheet showing that CRE8AD8 was paid for delivering food boxes to an entity identified in USDA's records as "New Orleans Food Bank Cold Storage."¹⁶⁸ The Select Subcommittee could not identify any entity with the name "New Orleans Food Bank Cold Storage"; the address of the delivery on the bill of lading was home to New Orleans Cold Storage, a large, multimillion dollar for-profit entity offering warehousing, blast freezing, and shipping and export logistics services.¹⁶⁹

Emails from May 2020 show that Palomino asked AMS staff specifically whether USDA would accept bills of lading listing delivery addresses that did not match the address of a registered nonprofit. Rather than respond to the inquiry about delivery addresses, AMS replied: "You can choose to work with any nonprofit that you like as long as they meet the requirements found in the funds notice."¹⁷⁰ The Trump Administration's significant deference to contractors over arrangements with recipient organizations and lax oversight of the contractors created a risk that food might be distributed to ineligible organizations, rather than those positioned and incentivized to distribute food to people in need.

CRE8AD8's bills of lading also show that CRE8AD8, like Yegg, had single individuals sign for delivery on behalf of multiple organizations.¹⁷¹ In the case of CRE8AD8, unlike Yegg, USDA appears to have contacted recipients of those deliveries to confirm receipt.¹⁷²

3. Ben Holtz Consulting, Inc.

On May 8, 2020, Ben Holtz Consulting, which does business as California Avocados Direct, was awarded a contract to distribute \$40 million worth of food boxes to recipient organizations serving needy Americans by June 30, 2020.¹⁷³ At the time of the initial contract awards, Ben Holtz Consulting's contract was the sixth largest in the Food Box Program.¹⁷⁴

Although USDA quickly terminated Ben Holtz Consulting’s contract, the company’s handwritten bid proposal contained information that should have cautioned the Trump Administration against making an award of \$40 million in the first instance. Despite Secretary Perdue’s prior reassurance to Congress that “[e]ach awarded offeror provided three past performance references for similar contract/orders completed within the past three years,”¹⁷⁵ Ben Holtz Consulting’s bid proposal stated in the “References” section: “I don’t have any.”¹⁷⁶ The proposal also pitched an unusually broad range for delivery capacity: between 5,000 and 200,000 16-18 pound boxes of produce per week.¹⁷⁷

EXHIBIT 5 - PAST PERFORMANCE REFERENCE INFORMATION

INSTRUCTIONS: Offerors must submit recent and relevant information concerning contracts and subcontracts (Federal, State, local government or private) which demonstrates their ability to perform the proposed effort. (One contract reference per form. Form may be duplicated):

Contractor Information (Name, Address, Zip Code, Telephone number and Email Address):

Contractee Information (Name, Address, Zip Code, Telephone number and Email Address):

Contract Information

Contract Number: _____

Type of Contract: _____

Contract Dollar Value: _____

Date of Award: _____ Date Completed: _____

If not completed, provide status:

Type/Extent of Subcontracting:

I don't have any. I sell these boxes to the public directly through my website www.californiaavocadosdirect.com

Figure 13: Past Performance Reference Information page, Ben Holtz Consulting Amendment of Solicitation Form, stating “I don’t have any” references.

The award to Ben Holtz Consulting appeared not to take into account the size of the company or basic elements in its proposal. According to public reporting, Ben Holtz Consulting’s total annual sales were between \$1-2 million at the time it submitted its bid proposal to USDA.¹⁷⁸ Nevertheless, USDA’s award to Ben Holtz Consulting was for the maximum amount outlined in the proposal: 200,000 boxes per week, 1 million in total, amounting to \$40 million.¹⁷⁹ On being awarded the maximum, owner Holtz told the press, “Getting up to seven digits was just kind of cool-looking. ... I put it down and they said all right.”¹⁸⁰ Under the technical information section on the bid proposal, Holtz wrote, “I am located in Southern California. I have the ability to serve the communities of Los Angeles and south to San Diego.”¹⁸¹ Yet, Ben Holtz Consulting’s contract award was for the South-West region, which did not include California.¹⁸²

USDA issued a stop work order on May 15, 2020 and terminated Ben Holtz Consulting’s contract on May 20, 2020, before the company submitted any invoices demonstrating contract performance.¹⁸³ The stop work order did not explain USDA’s reasons for the cancellation.¹⁸⁴ When Select Subcommittee staff requested information concerning “the reason for the

termination,” a Trump Administration representative for USDA stated only that the contract was “terminated in full for the Government’s convenience” as permitted under the FAR.¹⁸⁵ In subsequent interviews with reporters, Holtz noted that by the time USDA canceled the contract, he had already incurred “significant costs” to prepare for the substantial work he had initially been assigned.¹⁸⁶

It is unclear why this contract was canceled while other unusual contracts moved forward, particularly given Yegg and CRE8AD8’s relative lack of experience with agricultural distribution. However, USDA’s significant missteps with regard to the sixth-largest contract in the first round of the Program suggests that the Trump Administration failed to dedicate sufficient resources to evaluate prospective contractors and, subsequently, to oversee their performance. While this mistake was caught and corrected, the shoddy process that led to it does not inspire confidence that it was an isolated error.

B. The Trump Administration’s Inadequate Design and Administration of the Food Box Program

1. The Food Box Program Was Not Initially Structured or Administered to Achieve the Goal of Feeding Hungry Americans.

- a) *The Food Box Program’s Design Heavily Prioritized the Agricultural Industry’s Needs over the Needs of Hungry Americans.*

At the outset of the Food Box Program, then-Secretary Perdue stated that the Food Box Program was designed to “provide critical support to American farmers and families” and that the Program would distribute food “to communities across the country where it’s needed most.”¹⁸⁷ While the Trump Administration designed the Food Box program in a manner that would support agriculture and contractors, the program was not appropriately structured to meet its other primary goal: delivering healthy food to Americans struggling in a pandemic-induced economic crisis.

The idea for the Food Box program appears to have originated with a large food industry group. Emails show that the National Chicken Council proposed the idea for “a special purchase of chicken in light of COVID-19,” and subsequent distribution of such chicken products to “worthy recipients,” to Secretary Perdue’s office on April 6, 2020.¹⁸⁸



Figure 14: Email from National Chicken Council to the Trump Administration, proposing mass purchases of chicken as an emergency program.

During the Food Box Program’s implementation, Secretary Perdue chose to administer the Program through AMS, rather than through USDA’s Food and Nutrition Service (FNS).¹⁸⁹ As USDA’s website explains, AMS specializes in “programs that create domestic and international marketing opportunities for U.S. producers of food, fiber, and specialty crops,”¹⁹⁰ while FNS’s mission is “to increase food security and reduce hunger by providing children and low-income people access to food, a healthful diet, and nutrition education in a way that supports American agriculture and inspires public confidence.”¹⁹¹ Although FNS administered a program with several parallels to the Food Box Program—the Emergency Food Assistance Program (TEFAP), which purchases USDA Foods for networks of food banks and similar local agencies selected by states—the Trump Administration opted to create the new program within AMS alone rather than leverage FNS’s substantial expertise.¹⁹²

USDA has also acknowledged, in response to inquiries, that it did not make serious efforts to prioritize families or communities in need while developing the Food Box Program under the Trump Administration. USDA explained to Select Subcommittee staff that the needs of a particular region or community were not a factor in the initial contract awards; instead, USDA focused on “how the proposed vendor would support agriculture and local farmers” and on the vendor’s proposed pricing.¹⁹³ The Trump Administration did not prioritize reaching areas across the entire country or focus on levels of community food insecurity during the evaluation

process until the Program's third round.¹⁹⁴

Nor did the Trump Administration implement rules or procedures to confirm that food was equitably and efficiently distributed by the selected contractors. Similarly, in response to inquiries from the Select Subcommittee, USDA explained that “[t]he purpose of the food box program was to remove unsold products from the market created when food service literally ceased at the onset of the pandemic,” and that it did not have any process in place to “[e]valuate whether the food got to food-insecure families and individuals.”¹⁹⁵

- b) *When Allocating First Round Contracts, the Trump Administration Did Not Meaningfully Screen Applicants for Their Ability to Safely and Competently Deliver Food.*

As the examples of Yegg, CRE8AD8 and Ben Holtz Consulting make clear, the Trump Administration failed to seriously evaluate prospective contractors' ability to perform deliveries at the outset of the Food Box Program. USDA did not identify or respond to significant red flags, including disconnects between the size of the companies and their purported distribution capacity, relative lack of food distribution experience, and readily identifiable misrepresentations made by contractors. As a result, USDA awarded multimillion dollar contracts to companies that were not equipped to safely and dependably deliver large quantities of food to appropriate organizations.

Under the Trump Administration's watch, USDA devoted minimal time and personnel resources to its review of prospective first-round contractors, who were collectively awarded \$1.2 billion in contracts in May of 2020.¹⁹⁶ The Department evaluated contractor proposals over the course of a single week, despite announcing the Food Box Program nearly a month after the first statewide stay-at-home orders.¹⁹⁷ In a briefing to Select Subcommittee staff, USDA personnel admitted that, despite the ten-page limit that USDA imposed on contractor applications, USDA did not have time to contact the professional references bidders had provided (or, in the case of Ben Holtz Consulting, failed to provide) in order to confirm that the bidders were experienced, capable, and reputable.¹⁹⁸ Although USDA implemented the program under significant time pressure and emergency conditions, it is unclear why USDA leadership could not allocate sufficient personnel resources to contact the references that USDA had itself requested, particularly given the statement in its solicitation that “references will be contacted to discuss offeror's performance.”¹⁹⁹ This lapse is particularly confounding in light of the safety risks inherent in distributing perishable foods.

As a result of these oversights, contractor inexperience and poor performance led to unreliable packaging and deliveries, at the expense of nonprofits and the communities that they served. As detailed above, nonprofits working with Yegg and CRE8AD8 reported deliveries that were improperly packaged, inaccurate, or nonexistent, creating a significant risk of fraud. USDA's contracts with inexperienced companies that failed to complete efficient or effective deliveries, and in some cases realized significant profits, contributed to a meaningful waste of taxpayer dollars.

2. Weak Oversight of the Food Box Program Under the Trump Administration Heightened Risks of Fraud and Other Significant Issues.
 - a) *USDA Failed to Ensure that Box Contents Met the Needs of Food Insecure Americans.*

At the outset of the Food Box Program, USDA deferred heavily to its contractors regarding the contents of boxes. This flexibility worked to the detriment of food-insecure Americans in need of wholesome, appropriate, and safe food, and raises questions about the Trump Administration's efficient use of taxpayer dollars.

In the early rounds of the Food Box Program, USDA failed to ensure that the food boxes distributed could be consumed by food insecure Americans. For example, in a survey call with Select Subcommittee Majority staff, the President of the San Antonio Food Bank explained that many recipient organizations did not have the capacity to store these large volumes of food safely, leading to food safety concerns: "We saw lots of temperature abuse, and it was in the middle of the summer in Southern Texas."²⁰⁰ Press reports suggest that similar quality control issues were widespread for the duration of the Food Box Program: reported complaints included frozen, inedible bananas, concerns about spoiled chicken, large amounts of unhealthy, processed meats, and moldy grapes.²⁰¹

In addition to the unsafe food contents discussed above, the Select Subcommittee was informed of boxes from other contractors that contained only commercially-packaged meat, unsuited for distribution to individuals or families in need. One meat box recipient provided the Select Subcommittee with photos of meat boxes intended for direct delivery to families that contained only very large amounts of chicken nuggets, and explained: "[W]e got an entire semitruck of chicken nuggets, so we were giving families an obscene amount of chicken. . . . it was almost funny, but it wasn't for the families."²⁰²



Figure 15: *Commercially-packaged chicken distributed as a protein box for families and individuals.*

The Central Texas Food Bank explained to the Select Subcommittee that the dairy box contents offered by one contractor were so inappropriate for their customers that they declined to receive an order: “We tried desperately to get a dairy box and were not successful. We were supposed to get two gallons of milk, cheese, and yogurt in a box, but we got a box of heavy cream, so we just canceled it.”²⁰³

b) *Documentation Requirements Were Fundamentally Insufficient, Creating Unnecessary Risks of Fraud.*

Beyond the Trump Administration’s failure to appropriately evaluate contractors for their ability to service communities in need, the Food Box Program suffered from a deeply flawed structure for reimbursement and oversight of funds. Contractors generally received payment on the basis of invoices or bills of lading signed by the recipient organization.²⁰⁴ Unless a contractor offered to provide them, USDA did not require contractors to submit documentation of purchase orders.²⁰⁵ Contractors also had significant discretion to select nonprofit partners, without verification by the government of the nonprofits’ capacity to store food or get the boxes into the hands of needy Americans.²⁰⁶ This structure was fundamentally vulnerable to fraud and abuse. In March, GAO reported potential understaffing issues at USDA, noting that “one contracting officer and seven contracting specialists largely executed the contracts made in

support of the program—totaling over 1,200 contract actions and \$5.2 billion in contract obligations as of February 28, 2021,” and recommending that GAO “assess the contracting personnel needed to fully execute the award and administration of existing contracts in support of the program.”²⁰⁷ GAO further reported that approximately 20 USDA staff in total assisted with vendor reviews, invoice approval, domestic origin verification, and food safety audits related to the Food Box Program, but that “AMS officials said they did not consider adding additional contracting officers or specialists from within AMS or other USDA agencies to award or administer the Farmers to Families Food Box Program contracts, even though the obligations for the program accounted for about 74 percent of AMS’s total reported contract obligations over the past year.”²⁰⁸

During rounds one and two of the Food Box Program, the contract solicitation stated that “[t]he offeror will describe ... how they will document and evidence delivery.”²⁰⁹ USDA confirmed to the Select Subcommittee that the primary documentation required to evidence delivery was a bill of lading or commercial receipt signed by a compliant recipient organization. In practice, as with Yegg and CRE8AD8, program vendors were able to receive payment despite gross irregularities in delivery documentation, including bills of lading signed by the same individual on behalf of multiple unrelated recipient organizations and bills of lading without nonprofit or governmental organizations listed on delivery lines. To the extent that USDA flagged potential documentation issues, the examples reviewed by the Select Subcommittee indicate that USDA did not follow up on them to an appropriate degree given the amounts in question and the information available to USDA. As detailed above, the Trump Administration knowingly paid Yegg for delivering large quantities of fluid milk that had not, in fact, been transported to recipient organizations, and failed to request documentation of subsequent final deliveries. Of the deliveries examined in this investigation, nearly \$2.85 million worth of the food boxes were provided to a nonprofit run by the contractor’s own principals, and approximately \$3.8 million in deliveries occurred outside of the contract window (to the extent that they occurred at all).

The Trump Administration’s failure to obtain pricing information from contractors also created a risk of price gouging by food contractors at the expense of American taxpayers. USDA’s solicitation asked prospective contractors to propose per-box prices that would encompass all costs for food, boxing, and distribution, but the solicitation did not ask for details regarding the prices at which contractors planned to buy food or the profit margin that contractors proposed to make for themselves.²¹⁰ During the early rounds of the program, USDA also did not set requirements on the amounts or variety of foods in each box, instead deferring to the contractors and their arrangements with recipient organizations.²¹¹ As a result, contractors were essentially left to assemble specific box contents as they saw fit, at whatever prices they were able to obtain for the food, and charge taxpayers at the original prices they proposed to the government regardless of their own costs. GAO determined that, in rounds one and two, the cost that contractors charged for milk boxes ranged widely between \$1.35 and \$35.05,²¹² protein boxes ranged between \$17.65 and \$180.00, and produce boxes ranged between \$9.70 and \$580.00.²¹³ CRE8AD8 confirmed that contractors in the Food Box Program sometimes paid well above market prices, with farmers and producers sometimes receiving from CRE8AD8 up to ten times the payments they would normally get from grocery stores.²¹⁴ This is in addition to

a profit margin—in CRE8AD8’s case, between 10 and 25 percent of the total contract—that went directly into the contractor’s coffers.

USDA informed the Select Subcommittee that, while record requirements were contract-specific, the Food Box Program generally required contractors to provide delivery records signed by eligible recipient entities in order to receive payment.²¹⁵ Yegg’s CEO stated to Select Subcommittee staff that USDA did not require Yegg to provide any copies of purchase orders that would confirm the existence of, and prices paid for, contractors’ orders to agricultural producers.²¹⁶ In other words, USDA apparently did not collect evidence that would allow it to confirm (1) the quantity and specific types of foods ultimately purchased for inclusion in the dairy, protein, or produce food boxes, (2) the amount actually paid by taxpayers to farmers and producers, (3) whether taxpayers were paying reasonable prices for the food, or (4) the amount that contractors were profiting from the emergency federal program.

Consistent with these findings, a review by GAO found that USDA did not maintain systematic organized records for the Food Box Program. According to GAO’s report released in March 2021, the Food Box Program’s contracting system for rounds one and two violated Federal Acquisition Regulation 4.801, as USDA did not maintain acquisition planning documents, records of source selection and pricing decisions, and correspondence with contractors in a manner sufficient to provide a complete background of the basis for the decisions made in the acquisition process.²¹⁷ In light of GAO’s and the Select Subcommittee’s findings, it is unclear how the Trump Administration planned to monitor the Program effectively for waste, fraud or abuse.

c) *The Program Was Created Without Mechanisms for USDA to Confirm that Box Distributions Targeted People in Need.*

USDA’s stated policy was that “only needy people, or the food insecure population, will receive the food boxes through this program.”²¹⁸ In practice, the Food Box Program relied on distributors to “self-certify that nonprofits have capability to ensure that only needy people, or the food insecure population, will receive the food boxes through this program,” and only implemented that requirement in the third round of the program.²¹⁹ In response to an inquiry by the Select Subcommittee’s Majority staff as to whether USDA had processes in place during the Program to “[e]valuate whether the food got to food insecure families and individuals” and to “[e]valuate the operational and financial capacity of nonprofits that received food” to ensure they could safely store and distribute the boxes, USDA replied: “No.”²²⁰

In his interview with the Select Subcommittee, the CEO of the San Antonio Food Bank explained that, unlike traditional channels such as food banks, food provided through the Food Box Program was distributed without regard to individual or family need:

The uniqueness for rounds one and two was there wasn’t any . . . eligibility requirements for those receiving the food. There wasn’t a coordinated structure. The contractors were able to choose who they wanted to deliver food to, so if they have a brother that was a pastor or they’re an [alum] of a university—they could send food to whoever they wanted to.²²¹

He also contrasted established, well-organized food distribution programs, where “I’m signing on every little line, and I understand what I need to do,” with the Food Box Program, where “CRE8AD8 could choose who to deliver to, but all that was required was that it was a 501(c)(3). We have restrictions on who we could distribute food to, but once it got in the hands of the 501(c)(3), anything could happen. It could be sold. It could be shipped to Mexico. We saw bars giving away food.”²²²

While the Select Subcommittee reviewed three contractors, lists of recipient organizations USDA has provided for other contractors included multiple organizations that the Select Subcommittee could not identify on the basis of public information, as well as a number of recipient organizations that appear, on their face, to be for-profit entities. In one case, over 644,000 food boxes were listed as being delivered to Gold Star Foods, a for-profit Food Box Program contractor, and other listed recipients appear to be shopping malls and restaurants.²²³ No recipient organization was listed at all for another 27,405 boxes.²²⁴ It is unclear why USDA’s records of recipient information, as provided to Congress and to GAO, appear to include ineligible organizations. Assuming that USDA maintained underlying records reflecting delivery details and contact information for recipient organizations, USDA’s OIG should conduct appropriate follow-up with listed recipients that appear on their face to be ineligible, in order to determine whether for-profit businesses improperly received taxpayer-funded food boxes.²²⁵

Even in cases where food reached legitimate nonprofits in good condition, it is unclear that food was distributed in an efficient manner designed to help families and individuals experiencing food insecurity. Videos posted to social media show workers from one nonprofit providing several gallons of milk at a time to recipients, but also show workers at times handing out excessive amounts of milk—16 to 20 gallons per person—and in one case an entire pallet’s worth of milk being loaded into single large van over the course of about eight minutes.²²⁶



Figure 16: Still from video showing full pallet of boxes being loaded into an unidentified van during a food giveaway by LACOSC.

d) *The Food Box Program’s Structure Incentivized Contractors to Waste Food and Shift Costs to Nonprofits.*

As detailed in the Select Subcommittee’s findings regarding Yegg and CRE8AD8, poor oversight of the Food Box Program’s contractors resulted in repeated instances of food waste, as nonprofits turned down food that they had not agreed to accept from contractors or that had potentially spoiled in transit.

The San Antonio Food Bank’s CEO explained that, because the Program’s design remunerated contractors based on invoices that they submitted for deliveries, contractors appeared to be incentivized to deliver product without regard to whether it would ultimately reach needy families: “The contractors’ motivation was to produce a box and get a bill of lading signed by a 501(c)(3), and they could care less about the box after that. They get paid for every box.”²²⁷ As a result, “we saw things like rotten food and wet or collapsing boxes ... I was driving down the highway, and I saw [food] boxes falling off the back of a truck.”²²⁸ Although GAO reviewed the Food Box Program and determined that it “met its goal of providing food to those in need,” on the basis of USDA’s delivery of food boxes to most counties with “at least 20% of the population lives in poverty,”²²⁹ the Select Subcommittee’s findings regarding potential food waste and unaccounted-for food boxes raise serious questions as to whether all of the deliveries reflected in USDA’s records actually reached people in need.

Certain contractors also passed on transportation, storage, distribution, and labeling costs to nonprofit recipient organizations. USDA’s solicitation stated that the contractor “is responsible for all supply chain and logistic activities necessary to ensure the boxes are distributed to persons in need of food assistance in the United States.”²³⁰ Additional guidance from USDA states that, while distributors may subcontract with other entities to provide box

assembly and other logistical support, “the distributor would be required to pay for this service.”²³¹ Nevertheless, unremediated performance issues by contractors forced some nonprofit organizations to collect and package goods themselves, drawing on their organizations’ finite resources. During a survey call, the head of One Love Food Ministry explained that, while “[distributors] were getting paid for delivering milk,” the churches they were supposed to serve “had to use their own delivery trucks, which means they had to pay for fuel and maintenance, and they used their own people who have to get paid.”²³²

In at least one case, a nonprofit organization was directly charged for participation in the Program. Recipient organization For Oak Cliff informed Select Subcommittee staff that one nonprofit organization, acting as a middleman between Food Box Program distributors and small nonprofits in the Dallas area, imposed a direct monthly service charge of \$150 on recipient organizations.²³³ In response to inquiries from the Select Subcommittee, USDA confirmed that it had “no formal prohibition” on charging nonprofits for participation in the program, purportedly “to allow flexibility of use of existing supply chains.”²³⁴

e) *USDA Did Not Effectively Review Deliveries and Contractor Performance.*

Documents produced to the Select Subcommittee indicate that USDA conducted on-site audits of a subset of vendors during the contracting period. Although CRE8AD8 conducted its own audit of its performance, the Trump Administration does not appear to have exercised the same degree of care: the documents produced by USDA for first-round contractors do not include audit files for either Yegg or CRE8AD8, despite their sizeable contracts and the multiple irregularities identified in this report.

USDA informed the Select Subcommittee that it conducted a “statistical sampling” of recipient organizations to verify receipt of deliveries.²³⁵ Consistent with that representation, some nonprofits that spoke with Select Subcommittee staff confirmed that USDA had reached out to them regarding deliveries,²³⁶ while others stated that they had not been contacted by USDA.²³⁷ In light of the irregular documentation identified in the above case studies, and the fact that several nonprofits involved had not been contacted by USDA,²³⁸ it is not clear that a statistical sampling was an effective verification method.

In September 2020, GAO recommended USDA evaluate the Food Box Program to identify successes and challenges. Although USDA has undertaken some work to evaluate its program, including listening sessions conducted this year, it has, to date, failed to release public findings from the review recommended by GAO.²³⁹

C. **Trump Administration Leaders Appear to Have Leveraged the Food Box Program for Electoral Advantage.**

1. **Former President Trump Used the Program to Campaign to Food Box Suppliers and Recipients.**



Figure 17: White House Press Conference, May 19, 2020.

The Trump Administration commandeered the Program to employ it as a tool of then-President Trump’s re-election campaign. USDA required vendors to include a letter signed by President Trump in their food boxes, in which the President took credit for feeding hungry families.²⁴⁰ Emails show that the chief of staff for the President’s daughter and advisor, Ivanka Trump, contacted Secretary Perdue’s chief of staff on the day before Secretary Perdue announced initial extensions for Food Box vendor contracts: “Ivanka touched base with me this morning about the letter [sic] idea of getting a letter from POTUS in every food box that’s delivered—she had raised this previously with the Secretary I believe. Can we get that going?”²⁴¹ While a White House official later suggested the letter was meant to highlight public health guidance, the email implies that this health justification originated from a separate source and later in time: “Dr[.] Birx also had an idea about putting COVID guidance in each box as the people that are receiving these boxes are the most vulnerable.”²⁴² The resulting letter read, in part: “As part of our response to the coronavirus, I prioritized sending nutritious food from our farmers to families in need throughout America.”²⁴³

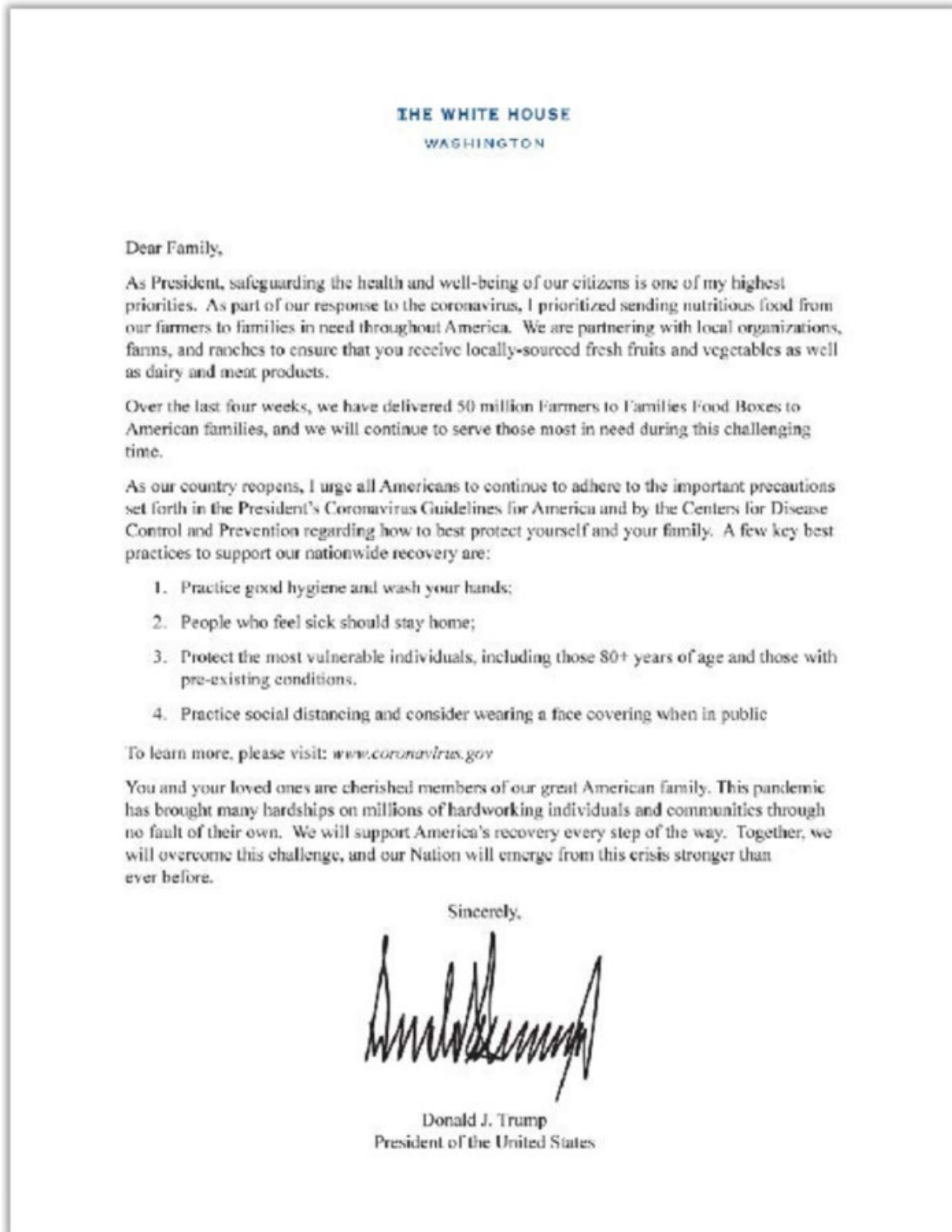


Figure 18: Letter signed by President Trump, taking credit for the food boxes, that the Trump Administration required to be added to food boxes in the months before the 2020 Presidential Election.

Six weeks before the presidential election, USDA emailed all active Food Box Program contractors to reinforce that the letter was mandatory: “[T]he attached letter must be included in all food boxes being distributed.”²⁴⁴

Non-partisan government watchdog groups criticized the inclusion of President Trump's name as an improper use of government resources to promote the President's political interests, particularly noting one letter that went out four days before Election Day.²⁴⁵ In interviews with Select Subcommittee staff, the leaders of the Los Angeles and San Antonio Food Banks both expressed frustration that the letter divided the communities served and wasted resources that could have gone to food distribution. The head of the Los Angeles Regional Food Bank stated that the letter had "led to a lot of consternation" in the community.²⁴⁶ The head of the San Antonio Food Bank noted that his organization "work[s] hard to be apolitical" given its 501(c)(3) status, and that the letter "doesn't help us stay neutral."²⁴⁷ He added that the letter had resulted in "negative feedback" from people that the food bank serves, who called the food bank to complain that the letter was "insulting" and "inappropriate." He observed that the letter "was an additional expense that could have gone into another tomato or onion."²⁴⁸

Despite multiple inquiries, USDA has never clarified key details regarding President Trump's letter, including how many taxpayer funds intended for relief to struggling farmers and hungry Americans were instead spent on printing and distributing the letter. On August 14, 2020, 49 members of Congress wrote to Secretary Perdue with ten questions about the letter, including who directed the letter's inclusion, the author of the letter, the purpose of the letter, the reason that the letter was signed by President Trump rather than Secretary Perdue, and the costs of the letter's inclusion.²⁴⁹ The Trump Administration's response did not answer any of the ten questions.²⁵⁰ In October 2020, in response to requests for records under the Freedom of Information Act, the Trump Administration claimed that it could "not locate any records" that were "sufficient to identify the costs associated with planning, drafting, printing, and distributing signed letters from President Trump as part of the Farmers to Families Food Box program."²⁵¹

2. The President and Secretary Used Program Announcements to Score Political Points.

In addition to distributing President Trump's letter, President Trump and Secretary Perdue appear to have planned major Program developments based on electoral strategy, rather than policy considerations.

On August 24, 2020, President Trump announced \$1 billion in additional funding for the third round of the Food Box Program from the battleground state of North Carolina on the opening day of the Republican National Convention.²⁵² An email from Ivanka Trump's assistant laying out the schedule for the event noted: "The President's letter will be featured as they package the boxes."²⁵³ The event was promoted both on official government accounts and on the Trump campaign's Twitter account.²⁵⁴ USDA later informed Select Subcommittee staff that the former President's announcement was made without notifying USDA in advance of his determination.²⁵⁵

At this announcement event, despite appearing in his official capacity, Secretary Perdue gave a speech encouraging "America to get[] out and vote[] for this man, Donald J. Trump" for "four more years."²⁵⁶ OSC subsequently found that Secretary Perdue's comments were illegal under the Hatch Act, explaining that, "if confidence in the system of representative Government

is not to be eroded to a disastrous extent,” Secretary Perdue and other government officials must avoid “giving the impression that the government itself has a preference for one candidate over another.”²⁵⁷ In this event, purportedly about a government-sponsored program to feed hungry Americans, Secretary Perdue’s “first words were not about USDA, but about the president’s 2016 and 2020 campaigns.”²⁵⁸ As the OSC concluded: “[I]t is hard to imagine a better example of campaign rhetoric.”²⁵⁹

In a conference on September 22, Secretary Perdue suggested that he would allow the Program to expire on October 31, 2020, stating: “We want to let the market work and get back to normal.”²⁶⁰ However, on October 23, 2020—less than two weeks before the 2020 presidential election—USDA announced an additional, \$500 million round of the Food Box Program.²⁶¹ The proximity of this announcement to the election, following Secretary Perdue’s statements to the contrary in September and following a prior announcement coinciding with the Republican National Convention, suggests that President Trump and Secretary Perdue may have announced the extension to obtain an electoral advantage, rather than to serve the interests of hungry Americans and the agricultural industry.

IV. RECOMMENDATIONS

Based on evidence uncovered in its investigation, the Select Subcommittee makes the following seven recommendations to improve future food distribution programs involving federal contractors and to resolve outstanding questions about the Food Box Program.

1. **When designing programs to distribute food to American communities, USDA should draw on expertise within FNS to ensure equitable access to food distribution initiatives.**

As discussed above, AMS and FNS have significantly different missions. AMS conferred with FNS to some degree regarding food banks, but did not involve FNS in the mechanics of the Food Box Program.²⁶² Programs developed in whole or in part to provide nutrition to the food-insecure should draw more heavily on the expertise of FNS to ensure that distribution is effective, efficient, and equitable.

2. **USDA should thoroughly vet prospective contractors to ensure that their experience and operational capacity align with the nature and size of any awards.**

As detailed above, the Trump Administration provided multimillion dollar emergency awards to contractors that were not suited to deliver on contracts of that nature and/or size. In the future, USDA should conduct more thorough reviews of prospective contractors for food distribution programs to verify their abilities to fulfill the terms of the contract, in order to protect food-insecure Americans and safeguard taxpayer dollars. At a minimum, USDA should allocate, contract for, or hire sufficient personnel to check requested professional references and conduct basic research to verify information concerning any prospective contractors such as experience and food storage capacity.

3. **USDA should issue and enforce guidelines that clarify which organizations are eligible partners for food distribution.**

As discussed above, contractors may have made Food Box Program deliveries to a number of organizations that were either for-profit entities or entities that could not be identified based on publicly available information. USDA should implement guidelines to ensure that nonprofit organizations entrusted with food distribution in federal programs are, in fact, legitimate and eligible organizations with the capacity and demonstrated ability to deliver food safely to individuals or families in need.

4. **USDA should issue and enforce guidelines regarding pricing in emergency programs.**

Although the Food Box Program was designed in part to support the agricultural industry, the Select Subcommittee found that some contractors and producers made outsized profits during the Program that were effectively not tracked by USDA. USDA should implement guidance to ensure that, in future emergency programs, it tracks the sources of food purchased by contractors and collects documentation that would allow USDA to determine the profit margins made by contractors participating in emergency programs. USDA should also consider implementing broader guidelines on pricing for food purchases in emergency situations, so as to reduce the risk that future emergencies present opportunities for unusual profit windfalls at taxpayers' expense.

5. **USDA should establish processes and procedures to prevent food waste or abuses of food distribution programs.**

Although Congress appropriated a significant number of dollars to the Food Box Program, and USDA awarded a number of multimillion dollar contracts, USDA did not initially dedicate sufficient oversight resources or implement sufficient delivery documentation procedures to mitigate serious risks of waste, fraud, and abuse. Future food distribution programs involving contractors must include stringent controls to confirm that contractors have ordered and successfully delivered food, and to ensure that the programs are tailored to maximize assistance to the food-insecure while observing safety protocols.

6. **When USDA expands participation in food distribution programs to new organizations, USDA should provide adequate programmatic support to those organizations.**

As detailed above, entities distributing food under the Food Box Program did not consistently adhere to requirements regarding food safety. Inadequate coordination and support also, at times, placed significant financial and logistical burdens on nonprofit organizations for the "last mile" of delivery. One of the contractors examined in this case study expressed concern that his time-sensitive questions to USDA were not answered in a timely manner, which risked undermining the contractors' performance of its contract. While the goal of involving new contractors and community organizations in food distribution is laudable, USDA must affirmatively provide outreach, education, and support to such entities to ensure their success and their compliance with federal requirements.

7. **USDA’s Office of Inspector General should, in addition to its ongoing work on the Food Box Program, conduct a comprehensive review for waste, fraud, and abuse by contractors, publish its conclusions and recommendations for reforms, and, if necessary, refer instances of potential fraud to appropriate law enforcement agencies.**

Under the Trump Administration, the Food Box Program lacked adequate transparency. Although GAO recommended in September 2020 that Secretary Perdue “direct the Agricultural Marketing Service to conduct an evaluation of the Farmers to Families Food Box Program after the third round of the program,” the Trump Administration did not publish the results of that evaluation.²⁶³

While the Select Subcommittee’s investigation uncovered instances of waste, potential fraud, and abuse, it was necessarily a case study of limited scope. A program-wide review of contract performance by USDA’s OIG is necessary to obtain a comprehensive picture of fraud and inefficiency throughout the Food Box Program, and to assess emergency authorities and procedures, so that such issues are not repeated in future programs. OIG should complete such a review and publish a transparent and thorough report on its findings and any recommendations for congressional or administrative action to better prepare USDA for any future emergency response actions. To the extent that OIG uncovers evidence of fraud or other unlawful activity, it should refer that evidence to appropriate law enforcement agencies for further action.

¹ Committee on Oversight and Reform, Select Subcommittee on the Coronavirus Crisis, *Press Release: Clyburn Launches Investigation On Reported Mismanagement In USDA Pandemic Food Assistance Program* (Aug. 20, 2020) (online at <https://coronavirus.house.gov/news/press-releases/clyburn-launches-investigation-reported-mismanagement-usda-pandemic-food>).

² Bureau of Labor Statistics, *Press Release: The Employment Situation—April 2020* (May 8, 2020) (online at www.bls.gov/news.release/archives/empsit_05082020.pdf).

³ *US Food Prices See Historic Jump and Are Likely to Stay High*, ABC News (May 30, 2020) (online at <https://abcnews.go.com/Health/wireStory/us-food-prices-historic-jump-stay-high-70969164>); *For the Unemployed, Rising Grocery Prices Strain Budgets Even More*, Washington Post (Aug. 4, 2020) (online at www.washingtonpost.com/business/2020/08/04/grocery-prices-unemployed/).

⁴ *About 14 Million Children in the US Are Not Getting Enough to Eat*, Brookings Institution (July 9, 2020) (online at www.brookings.edu/blog/up-front/2020/07/09/about-14-million-children-in-the-us-are-not-getting-enough-to-eat/); see also *Number of Families Struggling to Afford Food Rose Steeply in Pandemic and Remains High, Especially Among Children and Households of Color*, Center on Budget and Policy Priorities (Apr. 27, 2021) (online at www.cbpp.org/research/food-assistance/number-of-families-struggling-to-afford-food-rose-steeply-in-pandemic-and).

⁵ Census Bureau, *Week 21 Household Pulse Survey: December 9 – December 21, Food Table 2b* (June 2, 2021) (online at www.census.gov/data/tables/2020/demo/hhp/hhp21.html).

⁶ *Id.* Between December 2020 and April 2021, food insufficiency rates fell by over 40 percent in the wake of the December COVID-19 relief bill and the passage of the American Rescue Plan. *Material Hardship and Mental Health Following the COVID-19 Relief Bill and American Rescue Plan Act*, Poverty Solutions, University of Michigan (May 2021) (online at <http://sites.fordschool.umich.edu/poverty2021/files/2021/05/PovertySolutions-Hardship-After-COVID-19-Relief-Bill-PolicyBrief-r1.pdf>).

⁷ Feeding America, *Press Release: Feeding America Network Faces Soaring Demand, Plummeting Supply Due to COVID-19 Crisis* (Apr. 8, 2020) (online at www.feedingamerica.org/about-us/press-room/soaring-demand-plummeting-supply).

⁸ Feeding America, *Press Release: Feeding America Food Bank Network Projects \$1.4 Billion Shortfall Due to the COVID-19 Crisis* (Apr. 1, 2020) (online at www.feedingamerica.org/about-us/press-room/feeding-america-food-bank-network-projects-14-billion-shortfall-due-covid-19); *Food Banks Are Closing and Losing Their Workforce Because of the Coronavirus*, CNBC (Apr. 28, 2020) (online at www.cnbc.com/2020/04/28/coronavirus-food-banks-are-closing-and-losing-their-workforce.html).

⁹ Julian Xie et al., *COVID-19 Drives a Vicious Cycle Between Food Insecurity and Chronic Illness*, Duke Margolis Center for Health Policy (June 16, 2020) (online at <https://healthpolicy.duke.edu/covid-19-drives-vicious-cycle-between-food-insecurity-and-chronic-illness>); see also Centers for Disease Control and Prevention, *COVID-19: People with Certain Medical Conditions* (May 2021) (online at www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html); Christian A. Gregory and Alisha Coleman-Jensen, *Food Insecurity, Chronic Disease, and Health Among Working-Age Adults*, Department of Agriculture, Economic Research Service (July 31, 2017) (online at <https://ageconsearch.umn.edu/record/261813/>).

¹⁰ Julian Xie et al., *COVID-19 Drives a Vicious Cycle Between Food Insecurity and Chronic Illness*, Duke Margolis Center for Health Policy (June 16, 2020) (online at <https://healthpolicy.duke.edu/covid-19-drives-vicious-cycle-between-food-insecurity-and-chronic-illness>).

¹¹ Drs. Julia A. Wolfson, Travertine Garcia, and Cindy W. Leung, *Food Insecurity Is Associated with Depression, Anxiety, and Stress: Evidence From the Early Days of the COVID-19 Pandemic in the United States*, *Health Equity* Vol. 5.1 (Jan. 18, 2021) (online at www.liebertpub.com/doi/pdf/10.1089/heq.2020.0059).

¹² Drs. Joshua Winicki and Kyle Jemison, *Food Insecurity and Hunger in the Kindergarten Classroom: Its Effect on Learning and Growth* (July 18, 2008) (online at <https://onlinelibrary.wiley.com/doi/abs/10.1093/cep/byg001>).

¹³ John T. Cook and Deborah A. Frank, *Food Security, Poverty, and Human Development in the United States*, *Annals of the New York Academy of Sciences* (2008) (online at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.529.5866&rep=rep1&type=pdf>).

¹⁴ Centers for Disease Control, *Unfit to Serve: Obesity Is Impacting National Security* (online at www.cdc.gov/physicalactivity/downloads/unfit-to-serve.pdf); *Unhealthy and Unprepared: National Security Depends on Promoting Healthy Lifestyles from an Early Age*, Council for a Strong America (Oct. 2018) (online at <https://strongnation.s3.amazonaws.com/documents/484/389765e0-2500-49a2-9a67-5c4a090a215b.pdf>).

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¹⁷ Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020).

¹⁸ Department of Agriculture, *Press Release: USDA to Purchase up to \$3 Billion in Agricultural Commodities, Issue Solicitations for Interested Participants* (Apr. 19, 2020) (online at www.ams.usda.gov/content/usda-purchase-3-billion-agricultural-commodities-issue-solicitations-interested).

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²⁰ *Id.*

²¹ Department of Agriculture, *Press Release: USDA Approves \$1.2 billion in Contracts for Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/press-release/usda-approves-12-billion-contracts-farmers-families-food-box-program); Department of Agriculture, *Press Release: Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

²² Department of Agriculture, *Press Release: Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

²³ Department of Agriculture, Agricultural Marketing Service, *USDA Famers to Families Food Box* (online at www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box) (accessed on May 14, 2021); *Biden to Cancel Trump's Pandemic Food Aid After High Costs, Delivery Problems*, Reuters (Apr. 14, 2021) (online at www.reuters.com/article/us-health-coronavirus-food-aid-insight/biden-to-cancel-trumps-pandemic-food-aid-after-high-costs-delivery-problems-idUSKBN2C11CY).

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²⁵ Government Accountability Office, *USDA Food Box Program: Key Information and Opportunities to Better Assess Performance* (Sept. 2021) (GAO 21-353) (online at www.gao.gov/assets/gao-21-353.pdf).

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²⁷ *Biden to Cancel Trump's Pandemic Food Aid After High Costs, Delivery Problems*, Reuters (Apr. 14, 2021) (online at www.reuters.com/article/us-health-coronavirus-food-aid-insight/biden-to-cancel-trumps-pandemic-food-aid-after-high-costs-delivery-problems-idUSKBN2C11CY).

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²⁹ *Wedding Planner, Caterer, “Brand Builder”*: *Trump’s Food Aid Program Is Paying \$100+ Million to Unlicensed Dealers*, ProPublica (May 19, 2020) (online at www.propublica.org/article/wedding-planner-caterer-brand-builder-trumps-food-aid-program-is-paying-100-million-to-unlicensed-dealers); *USDA Knocked for ‘Unfathomable’ \$39M Contract Awarded to San Antonio Event Planner*, San Antonio Express-News (May 14, 2020) (online at www.expressnews.com/news/local/article/Federal-food-program-knocked-for-hiring-San-15270354.php); *‘I Need the Food’: Ag Department Food Box Program Beset by Delays*, Politico (May 27, 2020) (online at www.politico.com/news/2020/05/27/agriculture-department-food-coronavirus-285846); *Trump’s Signature Effort to Direct Farm Surplus to Needy Families Abruptly Withdraws Large Contract Amid Criticism of Rollout*, Washington Post (May 22, 2020) (online at www.washingtonpost.com/business/2020/05/22/trumps-signature-effort-direct-farm-surplus-needy-families-abruptly-withdraws-large-contract-amid-criticism-programs-rollout/); *Food Box Program Presents \$40MM Challenge for Avocado Grower*, Blue Book Services (May 15, 2020) (online at www.producebluebook.com/2020/05/15/food-box-program-presents-40mm-challenge-for-avocado-grower). Following the Select Subcommittee’s announcement of its investigation, USDA made several improvements to the Food Box Program. The Program’s third round, for food box deliveries between September 22, 2020 and October 31, 2020, included an adjusted contractor evaluation process that included a new emphasis on last-mile delivery to food banks, a focus on food variety, and a requirement that recipients certify that food boxes would be distributed to food insecure families or individuals. Briefing by Administrator, Agricultural Marketing Service, Department of Agriculture, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020).

³⁰ Committee on Oversight and Reform, Select Subcommittee on the Coronavirus Crisis, *Press Release: Clyburn Launches Investigation on Reported Mismanagement in USDA Pandemic Food Assistance Program* (Aug. 24, 2020) (online at <https://coronavirus.house.gov/news/press-releases/clyburn-launches-investigation-reported-mismanagement-usda-pandemic-food>).

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³² *Id.*

³³ Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 2021).

³⁴ California Secretary of State, *Statement of Information of Yegg, Inc.* (Feb. 10, 2020) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02804704-27747762>).

³⁵ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 2021).

³⁶ *Id.*

³⁷ Yegg, Inc., *Home Page* (online at <https://web.archive.org/web/20190129003309/https://yegg-inc.com>) (accessed May 18, 2021).

³⁸ California Secretary of State, *Statement of Information of Yegg, Inc.* (Feb. 10, 2020) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02804704-27747762>). By May 2021—after the contracts were awarded—Yegg’s website was revamped to describe the company as a “Food and Dairy Products Distributor.” Yegg, Inc., *Home Page* (online at <http://web.archive.org/web/20200524022617/https://yegg-inc.com/>) (accessed Dec. 3, 2020).

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⁴¹ Department of Agriculture, Agricultural Marketing, Service, *Solicitation/Contract/Order for Commercial Items* (online at www.ams.usda.gov/sites/default/files/media/RFP_ERAcquisition.pdf) (accessed on May 13, 2021).

⁴² Yegg, Inc., *Solicitation Proposal for AG-12-3J14-20-R-0377, Past Performance Reference Information* (Apr. 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Proposal%20Part%203%20%28exhibit%205%29%20%E2%80%93%20Past%20Performance%20Reference%20Information_Redacted.pdf).

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⁴⁵ F.A.R. §§ 9.103(b), 9.104-1.

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May 13, 2021). The recipient organization in this email chain ultimately did not agree to accept deliveries of the milk boxes. Email from Chief Product Acquisition Officer, LA Food Bank, to Chief Executive Officer, Yegg, Inc. (May 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.21_27_Yegg_Alta%20Dena%20LA%20Food%20Bank_Redacted.pdf).

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⁵⁴ Email from Director, Food is Free Benicia, to George Egbunu, Chief Executive Officer, Yegg, Inc. (June 22, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.22_FoodIsFree_email_Redacted_.pdf). Department of Agriculture's record of charges from Yegg included 12 invoices dated June 22, none of which listed Food is Free Benicia as their recipient. It is unclear whether the delivery was ultimately not completed, or whether one or more other organization's name is reflected on the invoice.

⁵⁵ Email from President/Founder, Forgotten Not Gone, to George Egbunu, Chief Executive Officer, Yegg, Inc. (June 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.16_forgottennotgone_Redacted.pdf).

⁵⁶ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Director, One Love Food Ministry (Apr. 13, 2021).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Email from George Egbunu, Chief Executive Officer, Yegg, Inc., to Co-Founder/Creative Lead, Farmlink (June 11, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.11_Farmlink_Redacted.pdf).

⁶⁰ Email from Vice President, The Brockman Institute, to Director, One Love Food Ministry, *et al.* (June 11, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.11_Brockman_Redacted.pdf). This intermediary admitted to Select Subcommittee staff that he had never heard of USDA banning a recipient organization for refusing delivery. Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Vice President, The Brockman Institute (June 30, 2021).

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⁶⁴ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Director, One Love Food Ministry (Apr. 13, 2021).

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⁷⁰ Yegg, Inc., *Solicitation Proposal for AG-12-3J14-20-R-0377, Exhibit 2 – Product Description and Pricing Form* (Apr. 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Proposal%20Part%204%20%28exhibit2%29%20%E2%80%93%20Prices_Redacted.pdf); Letter from Contracting Officer, Agricultural Marketing Service, Department of Agriculture, to Yegg, Inc. (May 8, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/WE041%20-%20Yegg%20award%20Letter_Redacted.pdf).

⁷¹ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

⁷² See, e.g., Yegg, Inc., *Delivery Receipt Nos. Y282* (June 5, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y282_Redacted.pdf), *Y284* (June 6, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y284_Redacted.pdf), *Y318* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y318_Redacted.pdf), *Y345* (June 12, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y345_Redacted.pdf), *Y346* (June 12, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y346_Redacted.pdf), *Y381* (June 14, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y381_Redacted.pdf), *Y382* (June 15, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y382_Redacted.pdf), *Y407* (June 17, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y407_Redacted.pdf), *Y452* (June 24, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y452_Redacted.pdf), *Y455* (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y455_Redacted.pdf), *Y456* (June 22, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y456_Redacted.pdf). The mission of the nonprofit, The Brockman Institute, is to “create unparalleled, educational and cultural travel programs that will encompass our performing arts, study tours and sporting competition in a global setting.” The organization did not possess prior experience with food distribution. See Brockman Institute, *About Us* (online at www.brockmaninstitute.net) (accessed Aug. 20, 2021). Its vice president served as an intermediary between Yegg and other nonprofit organizations, signing for, and helping coordinate, deliveries on their behalf.

⁷³ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Vice President, The Brockman Institute (June 30, 2021). As discussed *infra*, the Select Subcommittee’s investigation was able to account for some, but not all, of these deliveries. Greater New Life Church denied receiving \$584,400 worth of the food boxes that had allegedly been delivered to it, and that the Brockman Institute did not believe had been redirected. It is unclear whether this delivery was never made at all, or whether either the Brockman Institute or Greater New Life Church was mistaken about the deliveries due to limited record-keeping by the small nonprofits.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Executive Officer, The Blessing Center (June 11, 2021); Yegg, Inc., *Delivery Receipt Nos. Y271-1* (June 10, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y271-1_Redacted.pdf), *Y271-2* (June 10, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y271-2_Redacted.pdf), *Y303* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y303_Redacted.pdf), *Y349* (June 11, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y349_Redacted.pdf), *Y350* (June 11, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y350_Redacted.pdf), *Y351* (June 11, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y351_Redacted.pdf), *Y409* (June 18, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y409_Redacted.pdf), *Y410* (June 18, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y410_Redacted.pdf), *Y411* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y411_Redacted.pdf), *Y412* (June 18, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y412_Redacted.pdf), *Y413* (June 17, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y413_Redacted.pdf), *Y414* (June 17, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y414_Redacted.pdf), *Y415* (June 17, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y415_Redacted.pdf), *Y485* (June 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y485_Redacted.pdf), *Y486* (June 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y486_Redacted.pdf), *Y495* (June 23, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y495_Redacted.pdf), *Y427* (June 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y427_Redacted.pdf), *Y429* (June 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y429_Redacted.pdf).

⁷⁷ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); S.M.A.R.T. Moms, *Home Page* (online at www.smartmoms.info/index.html) (accessed on Apr. 21, 2021).

⁷⁸ Yegg, Inc., *Delivery Receipt Nos. Y312* (June 23, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y312_Redacted.pdf), *Y313* (June 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y313_Redacted.pdf). The Select Subcommittee does not know the full extent of connections between Yegg, Inc., S.M.A.R.T. Moms, and Ben Holtz Consulting (dba California Avocados Direct).

⁷⁹ Yegg, Inc., *Delivery Receipt Nos. Y372* (June 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y372_Redacted.pdf), *Y397* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y397_Redacted.pdf), *Y400* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y400_Redacted.pdf), *Y493* (June 26, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y493_Redacted.pdf); Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

⁸⁰ Email from Co-Founder/Creative Lead, Farmlink, to George Egbuonu, Chief Executive Officer, Yegg, Inc. (June 9, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.1010_FarmlinkElmcore_Redacted2.pdf); https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.1010_FarmlinkElmcore_Redacted_attachment.pdf).

⁸¹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Executive Director, Elmcors Youth & Adult Activities (Apr. 9, 2021).

⁸² *Id.*

⁸³ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Select Subcommittee on the Coronavirus Crisis, Interview of George Egbonu (Mar. 18, 2021).

⁸⁴ California Secretary of State, *Corporation Statement of Information, Helping Feet* (Jan. 16, 2021) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02909932-29695560>).

⁸⁵ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbonu (Mar. 18, 2021).

⁸⁶ California Secretary of State, *Articles of Incorporation of Helping Feet* (Jan. 8, 2007) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02909932-5500711>); California Secretary of State, *Certificate of Amendment of Articles of Incorporation of Helping Feet* (July 13, 2020) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02909932-28628824>).

⁸⁷ See Helping Feet, *Home Page* (online at <https://helpingfeet.org/home>) (visited Aug. 20, 2021).

⁸⁸ California Secretary of State, *Articles of Incorporation of Helping Feet* (Jan. 8, 2007) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02909932-5500711>); California Secretary of State, *Certificate of Amendment of Articles of Incorporation of Helping Feet* (July 13, 2020) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02909932-28628824>); California Secretary of State, *Statement of Information of Yegg, Inc.* (Feb. 10, 2020) (online at <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=02804704-27747762>).

⁸⁹ See F.A.R. §§ 9.504(a), 9.505, 9.506(a).

⁹⁰ Letter from Contracting Officer, Agricultural Marketing Service, Department of Agriculture, to Yegg, Inc. (May 8, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/WE041%20-%20Yegg%20award%20Letter_Redacted.pdf).

⁹¹ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbonu (Mar. 18, 2021).

⁹² Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

⁹³ Yegg, Inc., *Delivery Receipt No. Y532* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y532_Redacted.pdf).

⁹⁴ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Select Subcommittee on the Coronavirus Crisis, Interview of George Egbonu (Mar. 18, 2021).

⁹⁵ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbonu (Mar. 18, 2021).

⁹⁶ Yegg, Inc. Alta Dena Dairy Purchase Orders (May—August, 2020).

⁹⁷ *Id.*; Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

⁹⁸ Email from Staff, Department of Agriculture, to Manager, Helping Feet (July 14, 2020 1:48 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.14_USDA_HelpingFeetCosta_.pdf).

⁹⁹ *Response to Questions re: USDA's Food Box Program*, Dairy Farmers of America (Aug. 9, 2020). USDA confirmed to Select Subcommittee Majority Staff that it had not rejected any invoices for being fraudulent or falsified. Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM).

¹⁰⁰ *Response to Questions re: USDA's Food Box Program*, Dairy Farmers of America (Aug. 9, 2020).

¹⁰¹ USDA's communications with Helping Feet regarding this invoice were with an individual identified in the email exchange as Dominic Costa. Email from Staff, Department of Agriculture, to Manager, Helping Feet (July 14, 2020 1:48 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.14_USDA_HelpingFeetCosta_.pdf). When Select Subcommittee staff inquired about Costa, Egbuonu initially identified him as a manager paid by Helping Feet to coordinate Helping Feet's Food Box Program work. Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021). When Select Subcommittee Majority staff requested contact information for Costa, Yegg responded that Costa was a former volunteer whom Egbuonu no longer had the ability to contact. Email from Holland & Knight LLP to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 8, 2021 8:18 PM).

¹⁰² Yegg, Inc., *Delivery Receipt No. Y531* (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y531_Redacted.pdf); Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

¹⁰³ Yegg, Inc., *Delivery Receipt No. Y531* (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y531_Redacted.pdf).

¹⁰⁴ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021). The Select Subcommittee identified public evidence of at least some distributions of milk by LACOSC on subsequent dates. See, e.g., Facebook, *Liberian American Community Organization of Southern California* (Aug. 1, 2020) (online at www.facebook.com/100000800068322/videos/3855065161196781/). However, because Yegg did not retain purchase orders from the contracting period, the Subcommittee was unable to confirm that Yegg ultimately ordered and delivered all of the milk reflected in the invoices it submitted at the end of the contracting period.

¹⁰⁵ Yegg, Inc., *Delivery Receipt No. Y530* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y530_Redacted.pdf).

¹⁰⁶ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Executive Officer, The Blessing Center (June 11, 2021).

¹⁰⁷ *Id.*

¹⁰⁸ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021).

¹⁰⁹ Email from Agricultural Marketing Specialist, Agricultural Marketing Service, Department of Agriculture, to George Egbuonu, Chief Executive Officer, Yegg, Inc. (June 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.30_USDAemailtoYegg_Redacted.pdf).

¹¹⁰ Email from Agricultural Marketing Specialist, Agricultural Marketing Service, Department of Agriculture, to George Egbuonu, Chief Executive Officer, Yegg, Inc. *et al.* (June 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.30_USDAemailtoYeggetal2.pdf).

¹¹¹ Email from Supervisory Contracting Officer, Department of Agriculture, to Division Director, Domestic Commodity Procurement Division, Department of Agriculture (July 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.20_USDA%20internal%20email_Redacted.pdf); Microsoft Teams Appointment from Supervisory Contracting Officer, Department of Agriculture, to Contracting Specialist, Agricultural Marketing Service, Department of Agriculture (July 8, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.08_USDA%20Meeting_Redacted.pdf); Email from Legislative Director, Office of Congressional Relations, Department of Agriculture, to Staff, Select Subcommittee on the Coronavirus Crisis (June 24, 2021).

¹¹² Email from Representative, Liberian American Community Organization of Southern California, to Contracting Specialist, Agricultural Marketing Service, Department of Agriculture (July 13, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.14_LACOSC%20Email_Redacted_.pdf); Email from Manager, Helping Feet, to Contracting Specialist, Agricultural Marketing Service, Department of Agriculture (July 14, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.14_USDA_HelpingFeetCosta_.pdf); Email from Chief Executive Officer, The Blessing Center, to Contracting Specialist, Agricultural Marketing Service, Department of Agriculture (July 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.16_Blessing%20center%20email_Redacted_.pdf).

¹¹³ Email from Contracting Specialist, Department of Agriculture, to Division Director, Domestic Commodity Procurement Division, Department of Agriculture (July 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.20_USDA%20internal%20email_Redacted.pdf); Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

¹¹⁴ *Response to Questions re: USDA's Food Box Program*, Dairy Farmers of America (Aug. 9, 2020).

¹¹⁵ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021).

¹¹⁶ Yegg, Inc., *Delivery Receipt Nos. Y530* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y530_Redacted.pdf), *Y531* (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y531_Redacted.pdf), *Y532* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y532_Redacted.pdf).

¹¹⁷ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021).

¹¹⁸ Email from Holland & Knight LLP to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 1, 2021 8:51 AM).

¹¹⁹ Yegg, Inc., *Delivery Receipt Nos. Y468* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y468_Redacted.pdf), *Y469* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y469_Redacted.pdf), *Y470* (June 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y470_Redacted.pdf), *Y471* (June 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y471_Redacted.pdf).

¹²⁰ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

¹²¹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Executive Officer, The Blessing Center (June 11, 2021).

¹²² Yegg, Inc., *Delivery Receipt Nos. Y468* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y468_Redacted.pdf), *Y469* (June 19, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y469_Redacted.pdf), *Y470* (June 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y470_Redacted.pdf), *Y471* (June 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y471_Redacted.pdf).

¹²³ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Executive Officer, The Blessing Center (June 11, 2021).

¹²⁴ *Id.*

¹²⁵ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Yegg, Inc., *Delivery Receipt No. Y282* (June 5, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y282_Redacted.pdf).

¹²⁶ Yegg, Inc., *Delivery Receipt No. Y282* (June 5, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y282_Redacted.pdf).

¹²⁷ Email from Vice President, The Brockman Institute, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 1, 2021).

¹²⁸ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Pastor, Greater New Life Church (Apr. 26, 2021). The Pastor did recall receiving other deliveries of milk from Yegg and the Brockman Institute in June of 2020.

¹²⁹ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to O2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Yegg, Inc., *Delivery Receipt No. Y284* (June 6, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Y284_Redacted.pdf).

¹³⁰ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Pastor, Eastvale Bible Church (Apr. 23, 2021).

¹³¹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Coordinator, City of Palmdale Saves Program (July 8, 2021); Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Pastor, Greater New Life Church (Apr. 23, 2021).

¹³² Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Coordinator, City of Palmdale Saves Program (July 8, 2021).

¹³³ Department of Agriculture, Agricultural Marketing Service, *Farmers to Families Food Box Program FAQs* (Apr. 27, 2020) (online at www.ams.usda.gov/publications/content/farmers-families-food-box-program-faqs).

¹³⁴ Department of Agriculture, Agricultural Marketing Service, *Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

¹³⁵ Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

¹³⁶ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹³⁷ CRE8AD8, *Home Page* (May 26, 2020) (online at <http://web.archive.org/web/20200526173416/http://cre8ad8.com/>).

¹³⁸ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹³⁹ CRE8AD8, *About* (Feb. 17, 2020) (online at <http://web.archive.org/web/20200217131703/http://cre8ad8.com/about/>) (accessed July 26, 2021).

¹⁴⁰ *Wedding Planner, Caterer, "Brand Builder": Trump's Food Aid Program Is Paying \$100+ Million to Unlicensed Dealers*, ProPublica (May 19, 2020) (online at www.propublica.org/article/wedding-planner-caterer-brand-builder-trumps-food-aid-program-is-paying-100-million-to-unlicensed-dealers); *USDA Knocked for 'Unfathomable' \$39M Contract Awarded to San Antonio Event Planner*, San Antonio Express-News (May 14, 2020) (online at www.expressnews.com/news/local/article/Federal-food-program-knocked-for-hiring-San-15270354.php); *'I Need the Food': Ag Department Food Box Program Beset by Delays*, Politico (May 27, 2020) (online at www.politico.com/news/2020/05/27/agriculture-department-food-coronavirus-285846). In an email to Select Subcommittee staff, his attorney stated that Palomino "is not a 'wedding planner,' he is a logistics engineer." Email from Attorney, LaHood Norton Law Group, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (Sept. 18, 2020).

¹⁴¹ CRE8AD8, *Home Page* (online at <http://cre8ad8.com/>) (accessed July 29, 2021).

¹⁴² Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020); *see also* *USDA Knocked for ‘Unfathomable’ \$39M Contract Awarded to San Antonio Event Planner*, San Antonio Express-News (May 14, 2020) (online at www.expressnews.com/news/local/article/Federal-food-program-knocked-for-hiring-San-15270354.php).

¹⁴³ Email from Gregorio Palomino, Chief Executive Officer, CRE8AD8, to Staff, Agricultural Marketing Service, Department of Agriculture (May 17, 2020 5:44 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.17%20-%20Palomino%20AMS%20emails_Redacted.pdf).

¹⁴⁴ Email from Gregorio Palomino, Chief Executive Officer, CRE8AD8, to Staff, Agricultural Marketing Service, Department of Agriculture (May 17, 2020 1:49 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.17%20-%20Palomino%20AMS%20emails_Redacted.pdf); *PACA Licensing*, Agricultural Marketing Service, Department of Agriculture (online at www.ams.usda.gov/rules-regulations/paca/licensing) (July 25, 2021). PACA licenses are mandatory for any person who buys or sells more than 2,000 pounds of fresh or frozen fruits and vegetables in any given day, or over \$230,000 in a calendar year. *Id.*

¹⁴⁵ Email from Gregorio Palomino, Chief Executive Officer, CRE8AD8, to Staff, Agricultural Marketing Service, Department of Agriculture (May 13, 2020 8:16 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.13_Palomino%20AMS%20email_Redacted.pdf).

¹⁴⁶ Email from Staff, Agricultural Marketing Service, Department of Agriculture, to Gregorio Palomino, Chief Executive Officer, CRE8AD8 (June 3, 2020 2:06 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.03_USDAemailtoPalominorexperience_Redacted.pdf).

¹⁴⁷ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹⁴⁸ Email from Staff, Agricultural Marketing Service, Department of Agriculture, to Gregorio Palomino, Chief Executive Officer, CRE8AD8 (June 4, 2020 12:05 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.04_Palomino_AMS%20email_Redacted.pdf).

¹⁴⁹ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹⁵⁰ *San Antonio Event Planner Who Won Lucrative Federal Contract Makes Dubious Claims About Clients, Credentials and Business Affiliations*, San Antonio Express-News (May 28, 2020) (online at www.expressnews.com/news/local/article/San-Antonio-event-planner-who-won-lucrative-15291382.php). CRE8AD8 provided Select Subcommittee staff with documents appearing to refute a different claim in the article, concerning Palomino’s representations of his service on the board of the San Antonio Hispanic Chamber of Commerce.

¹⁵¹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

¹⁵² Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021). CRE8AD8 also plans to release a documentary disputing the accuracy of these public reports and documenting its performance of the contract, including testimonials from various nonprofit organizations. *See* YouTube, Cre8ad8 LLC—Meetings and Incentives, *Trailer – VICTUALS: THE CRE8AMEAL STORY* (online at www.youtube.com/watch?v=1JeA-Mei60A) (accessed Aug. 20, 2021).

¹⁵³ CRE8AMEAL, *Collaboration* (online at <http://cre8ameal.com/collaborations/>).

¹⁵⁴ Email from Staff, Agricultural Marketing Service, Department of Agriculture, to Gregorio Palomino, Chief Executive Officer, CRE8AD8 (June 3, 2020 2:18 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.03_Palomino-AMS%20emails_Redacted.pdf).

¹⁵⁵ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹⁵⁶ Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>).

¹⁵⁷ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Operations Officer, Central Texas Food Bank, and Director of Advocacy and Public Policy, Central Texas Food Bank (Oct. 6, 2020).

¹⁵⁸ *Id.*

¹⁵⁹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Operations Officer, Central Texas Food Bank, and Director of Advocacy and Public Policy, Central Texas Food Bank (Oct. 6, 2020).

¹⁶⁵ *Id.*

¹⁶⁶ Email from Gregorio Palomino, Chief Executive Officer, CRE8AD8, to Staff, Agricultural Marketing Service, Department of Agriculture (June 29, 2020, 3:57 PM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.29_PalodinoUSDAemails_Redacted.pdf).

¹⁶⁷ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

¹⁶⁸ Department of Agriculture, *Copy of Item #3b Invoices by Vendor base to option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); Department of Agriculture, *August 11, 2020 Response to GAO, Page 6 Question 6 List of Food Banks 07-31-20* (Oct. 13, 2020) (online at <https://democrats-coronavirus.house.gov/sites/democrats-coronavirus.house.gov/files/documents/Page-6-Question-6-List-of-Food-Banks-07-31-20.xlsx>).

¹⁶⁹ Department of Agriculture, *Copy of Item #3b Invoices by Vendor Base to Option 2* (Feb. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Item-3b-Invoices-by-Vendor-base-to-option-2-selected-vendors.pdf>); *Welcome to New Orleans Cold Storage*, NOCS (2019) (online at <http://web.archive.org/web/20190825040342/https://www.nocs.com/>); CRE8AD8, *Bill of Lading Nos. 20-249* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-249_Redacted.pdf), *20-250* (June 29, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-250_Redacted.pdf); *New Orleans Cold Storage Bought by Upstart Emergent Cold*, NOLA.com (Sept. 4, 2019) (online at www.nola.com/news/business/article_8442554c-cf3c-11e9-b263-27a65bcb004f.html). When asked by Select Subcommittee staff about the deliveries to New Orleans Cold Storage, Palomino denied providing food to entities other than nonprofits, and noted that he did not retain detailed information about distribution that may have gone through multiple entities, because USDA had not required such tracking data. Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

¹⁷⁰ Email from Staff, Agricultural Marketing Service, Department of Agriculture, to Gregorio Palomino, Chief Executive Officer, CRE8AD8 (May 27, 2020 8:52 AM) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.27_Emails%20between%20Palomino%2C%20Greg%20%26%20USDA%20-%2010_Redacted.pdf).

¹⁷¹ See, e.g., CRE8AD8, *Bill of Lading Nos. 20-074* (June 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-074_Redacted.pdf), *20-150* (June

16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-150_Redacted.pdf), 20-151 (June 18, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-151_Redacted.pdf), 20-157 (June 22, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-157_Redacted.pdf), 20-159 (June 26, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-159_Redacted.pdf), 20-162 (June 26, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-162_Redacted.pdf), 20-163 (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-163_Redacted.pdf), 20-167 (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-167_Redacted.pdf), 20-168 (June 27, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-168_Redacted.pdf), 20-217 (June 24, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-217_Redacted.pdf), 20-426 (June 22, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/%2320-426_Redacted.pdf).

¹⁷² E.g., Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Minister of Education, First Baptist Church (July 26, 2021). Not all of the recipient organization representatives recalled being contacted by USDA. Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Pastor, Generation Next Church (July 28, 2021).

¹⁷³ Department of Agriculture, Agricultural Marketing Service, *Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

¹⁷⁴ See *id.*

¹⁷⁵ Letter from Secretary Sonny Perdue, Department of Agriculture, to Representative Lloyd Doggett, House of Representatives (June 15, 2020) (online at www.congress.gov/116/chrg/CHRG-116hhrg42613/CHRG-116hhrg42613.pdf at p.63).

¹⁷⁶ Ben Holtz Consulting, Inc., *Solicitation Proposal for AG-12-3J14-20-R-0377, Past References Reference Information* (Apr. 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/RFP%20Amendment%20Signed%20by%20Holtz_Redacted.pdf).

¹⁷⁷ Ben Holtz Consulting, Inc., *Solicitation Proposal for AG-12-3J14-20-R-0377, Product Description and Pricing Form* (Apr. 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/RFP%20Amendment%20Signed%20by%20Holtz_Redacted.pdf).

¹⁷⁸ *USDA Terminates Avocado Grower's \$40MM Food Box Contract*, Blue Book Services (May 21, 2020) (online at www.producebluebook.com/2020/05/21/usda-terminates-avocado-growers-40mm-food-box-contract).

¹⁷⁹ Department of Agriculture, Agricultural Marketing Service, *Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

¹⁸⁰ *Wedding Planner, Caterer, "Brand Builder": Trump's Food Aid Program Is Paying \$100+ Million to Unlicensed Dealers*, ProPublica (May 19, 2020) (online at www.propublica.org/article/wedding-planner-caterer-brand-builder-trumps-food-aid-program-is-paying-100-million-to-unlicensed-dealers).

¹⁸¹ Ben Holtz Consulting, Inc., *Solicitation Proposal for AG-12-3J14-20-R-0377, Technical Information* (Apr. 30, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/RFP%20Amendment%20Signed%20by%20Holtz_Redacted.pdf).

¹⁸² Department of Agriculture, Agricultural Marketing Service, *Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf); Department of Agriculture, Agricultural Marketing Service, *Approved Contractors for the Farmers to Families Food Box Program* (online at

www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box/approved-contractors) (accessed on May 13, 2021).

¹⁸³ *Modification of Contract (Stop Work Order 52.242-15)*, issued by Contracting Officer, Agricultural Marketing Service, Department of Agriculture, to Ben Holtz Consulting, Inc. (May 15, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/StopWorkOrder_May152020_Redacted.pdf); Letter from Contracting Officer, Agricultural Marketing Service, Department of Agriculture, to Ben Holtz Consulting, Inc. (May 20, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.20_BenHoltzConsulting_TERMINATION_NOTICE_Redacted.pdf).

¹⁸⁴ Email from Ben Holtz, President, Ben Holtz Consulting, Inc., to Contract Specialist, Commodity Procurement Program, Agricultural Marketing Service, Department of Agriculture (May 15, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.15_BEN%20HOLTZ%20EMAIL_Redacted.pdf).

¹⁸⁵ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020 12:46 PM).

¹⁸⁶ *USDA Terminates Avocado Grower's \$40MM Food Box Contract*, Blue Book Services (May 21, 2020) (online at www.producebluebook.com/2020/05/21/usda-terminates-avocado-growers-40mm-food-box-contract).

¹⁸⁷ Department of Agriculture, *Press Release: USDA Approves \$1.2 Billion in Contracts for Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/press-release/usda-approves-12-billion-contracts-farmers-families-food-box-program).

¹⁸⁸ Email from President, National Chicken Council to Joby Young, Chief of Staff to Secretary Perdue, Department of Agriculture, *et al.* (Apr. 6, 2020) (online at www.documentcloud.org/documents/7204640-USDA-20-0964-A.html#document/p135).

¹⁸⁹ Department of Agriculture, Agricultural Marketing Service, *USDA Farmers to Families Food Box* (online at www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box) (accessed July 27, 2021); Department of Agriculture, *Notice of Funds Availability (NOFA); Purchase of Fruit, Vegetable, Dairy, and Meat Products Due to COVID-19 National Emergency—USDA Food Box Distribution Program*, Doc. No. AMS-CP-20-0040, 85 Fed. Reg. 81 (Apr. 27, 2020) (Notice) (“[T]he Secretary has determined to use AMS to procure commodities for such use until the current health emergency is terminated.”).

¹⁹⁰ Department of Agriculture, *Agricultural Marketing Service* (online at www.ams.usda.gov) (accessed July 27, 2021).

¹⁹¹ Department of Agriculture, *About FNS* (online www.fns.usda.gov/about-fns) (accessed July 27, 2021).

¹⁹² See Department of Agriculture, Food and Nutrition Service, *TEFAP Fact Sheet* (online at www.fns.usda.gov/tefap/tefap-fact-sheet) (accessed July 28, 2021).

¹⁹³ Briefing by Administrator, Agricultural Marketing Service, Department of Agriculture, *et al.*, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020).

¹⁹⁴ *Id.*

¹⁹⁵ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM).

¹⁹⁶ Department of Agriculture, Agricultural Marketing Service, *Announcement of Contract Awards for the Farmers to Families Food Box Program* (May 8, 2020) (online at www.ams.usda.gov/sites/default/files/media/AnnouncementofContractAwards.pdf).

¹⁹⁷ Briefing by Administrator, Agricultural Marketing Service, Department of Agriculture, *et al.*, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020). USDA noted that the length of contractor applications and the amount of time for review were increased by round three of the Program. *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ Department of Agriculture, *Solicitation/Contract/Order for Commercial Items* (Apr. 24, 2020) (online at www.ams.usda.gov/sites/default/files/media/RFP_ERAcquisition.pdf) (accessed on May 13, 2021).

²⁰⁰ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

²⁰¹ “*Someone’s Profiting off This*”: *New Public Records Reveal COVID-19 Hunger Relief Contractors Get Handsome Payouts for Mediocre Food Boxes*, The Counter (Sept. 3, 2020) (online at <https://thecounter.org/usda-food-farmers-to-families-food-boxes-caribbean-produce-exchange/>); *Complaints Surround Vermont’s Current Batch of Food Boxes from USDA*, NBC5 (Apr. 2, 2021) (online at www.mynbc5.com/article/complaints-surround-vermonts-current-batch-of-food-boxes-from-usda/36013003); *Million Dollar Hot Dogs: Farmers to Families Food Boxes Promised Nutrition, Came Packed with Processed Meat*, Asheville Citizen Times (Oct. 28, 2020) (online at www.citizen-times.com/story/news/local/2020/10/28/usda-food-boxes-promised-nutrition-some-came-packed-hot-dogs/6009345002/); *USDA’s Farmers to Families Food Boxes: What’s in the Box?*, Ink Link (Nov. 2, 2020) (online at <https://manchesterinklink.com/usdas-farmers-to-families-food-boxes-whats-in-the-box/>).

²⁰² Email from Resource Coordinator, For Oak Cliff, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 23, 2020); Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Resource Coordinator, For Oak Cliff (Oct. 23, 2020).

²⁰³ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Chief Operations Officer, Central Texas Food Bank, and Director of Advocacy and Public Policy, Central Texas Food Bank (Oct. 6, 2020).

²⁰⁴ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021); Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM).

²⁰⁵ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM); Department of Agriculture, *Solicitation/Contract/Order for Commercial Items* (Apr. 24, 2020) (online at www.ams.usda.gov/sites/default/files/media/RFP_ERAcquisition.pdf) (accessed on May 13, 2021).

²⁰⁶ Department of Agriculture, Agricultural Marketing Service, *Farmers to Families Food Box Program FAQs* (Apr. 27, 2020) (online at www.ams.usda.gov/publications/content/farmers-families-food-box-program-faqs).

²⁰⁷ Government Accountability Office, *COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters its Second Year* (Mar. 31, 2021) (GAO-21-387) (online at <https://files.gao.gov/reports/GAO-21-387/index.html>).

²⁰⁸ *Id.*

²⁰⁹ Department of Agriculture, *Solicitation/Contract/Order for Commercial Items* (Apr. 24, 2020) (online at www.ams.usda.gov/sites/default/files/media/RFP_ERAcquisition.pdf) (accessed on May 13, 2021).

²¹⁰ *Id.*

²¹¹ Department of Agriculture, Agricultural Marketing Service, *Farmers to Families Food Box Program FAQs* (Apr. 27, 2020) (online at www.ams.usda.gov/publications/content/farmers-families-food-box-program-faqs) (Q: How many pounds of food per box of dairy, protein and produce? A: Distributors and nonprofit organizations will be allowed to mutually agree on the size and weight of the box, as well as the pack sizes of products within the box. Q: What are the ‘standard’ contents per box? A: While USDA will provide a list of desired products to support specific agricultural markets, the contents of the box can be determined by the distributor and the nonprofit organization, based on local and national availability, local preferences, etc.”).

²¹² In June of 2020, the national retail price for two gallons of milk was \$6.82. Department of Agriculture, Agricultural Marketing Service, *Retail Milk Prices Report* (online at www.ams.usda.gov/sites/default/files/media/2020RetailMilkPrices.pdf) (accessed on June 1, 2021).

²¹³ Government Accountability Office, *COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters Its Second Year* (Mar. 31, 2021) (GAO-21-387) (online at <https://files.gao.gov/reports/GAO-21-387/index.html>).

²¹⁴ Select Subcommittee on the Coronavirus Crisis, Interview of Greg Palomino (Aug. 13, 2021).

²¹⁵ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM). *See also* Department of Agriculture, Agricultural Marketing Service, *Farmers to Families Food Box Program FAQs* (Apr. 27, 2020) (online at www.ams.usda.gov/publications/content/farmers-families-food-box-program-faqs) (Q: What are the reporting requirements? A: Contractors must submit an invoice package that indicates the number of boxes delivered, contents of the boxes and proof of delivery to a nonprofit or other organization in the contract. There are no reporting requirements for the nonprofit or government organizations.”).

²¹⁶ Select Subcommittee on the Coronavirus Crisis, Interview of George Egbuonu (Mar. 18, 2021).

²¹⁷ Government Accountability Office, *COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters its Second Year* (Mar. 31, 2021) (GAO-21-387) (online at <https://files.gao.gov/reports/GAO-21-387/index.html>).

²¹⁸ Department of Agriculture, *Combined Synopsis/Solicitation 12-3J14-20-B-0588 Families to Farmers Food Boxes* (online at www.ams.usda.gov/sites/default/files/media/FFFB_solicitationRound3.pdf) (accessed Apr. 20, 2021).

²¹⁹ *Id.*

²²⁰ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021 4:46 PM).

²²¹ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

²²² *Id.*

²²³ Department of Agriculture, *August 11, 2020 Response to GAO, Page 6 Question 6 List of Food Banks 07-31-20* (Oct. 13, 2020) (online at <https://democrats-coronavirus.house.gov/sites/democrats-coronavirus.house.gov/files/documents/Page-6-Question-6-List-of-Food-Banks-07-31-20.xlsx>).

²²⁴ *Id.*

²²⁵ The Government Accountability Office, in reviewing the Food Box Program’s documentation systems, similarly found that USDA’s data was “unreliable for the purpose of identifying recipient organizations by name and type of entity because of inconsistencies in how organization names were entered into USDA’s database, and because unique identifiers were not used.” Government Accountability Office, *USDA Food Box Program: Key Information and Opportunities to Better Assess Performance* (Sept. 2021) (GAO 21-353) (online at www.gao.gov/assets/gao-21-353.pdf).

²²⁶ Facebook, *Liberian American Community Organization of Southern California* (June 17, 2020) (online at www.facebook.com/100000800068322/videos/3719447891425176/) (e.g., at 1:04:37-1:05:55; 1:12:06-1:20:34) (accessed Apr. 14, 2021); Facebook, *Liberian American Community Organization of Southern California* (Aug. 1, 2020) (online at www.facebook.com/100000800068322/videos/3855065161196781/) (e.g., at 2:17:25-2:18:13) (accessed Apr. 14, 2021).

²²⁷ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

²²⁸ *Id.*

²²⁹ Government Accountability Office, *USDA Food Box Program: Key Information and Opportunities to Better Assess Performance* (Sept. 2021) (GAO 21-353) (online at www.gao.gov/assets/gao-21-353.pdf).

²³⁰ Department of Agriculture, *Solicitation/Contract/Order for Commercial Items* (Apr. 24, 2020) (online at www.ams.usda.gov/sites/default/files/media/RFP_ERAcquisition.pdf) (accessed on May 13, 2021).

²³¹ Department of Agriculture, Agricultural Marketing Service, *Farmers to Families Food Box Program FAQs* (Apr. 27, 2020) (online at www.ams.usda.gov/publications/content/farmers-families-food-box-program-faqs).

²³² Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Director, One Love Food Ministry (Apr. 13, 2021).

²³³ Email from Resource Coordinator, For Oak Cliff, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 23, 2020).

²³⁴ Email from Staff, Department of Agriculture, to Majority Staff, Select Subcommittee on the Coronavirus Crisis (July 23, 2021).

²³⁵ *Id.*

²³⁶ *E.g.*, Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Board Member, Services of Hope (June 26, 2021).

²³⁷ *E.g.*, Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Pastor, Generation Next Church (July 28, 2021); Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Vice President, The Brockman Institute (June 30, 2021).

²³⁸ *E.g.*, Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Vice President, The Brockman Institute (June 30, 2021); Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to Coordinator, City of Palmdale Saves Program (July 8, 2021).

²³⁹ Government Accountability Office, *Agriculture Spending: Opportunities Exist for USDA to Identify Successes and Challenges of the Farmers to Families Food Box Program to Inform Future Efforts* (Sept. 16, 2020) (GAO 20-711R) (online at www.gao.gov/assets/gao-20-711r.pdf).

²⁴⁰ Letter from Freedom of Information Act Officer, Agricultural Marketing Service, Department of Agriculture, to Executive Director, American Oversight (Dec. 8, 2020) (online at www.americanoversight.org/document/usda-records-regarding-farmers-to-families-food-box-program); “*Someone’s Profiting off This*”: *New Public Records Reveal COVID-19 Hunger Relief Contractors Get Handsome Payouts for Mediocre Food Boxes*, The Counter (Sept. 3, 2020) (online at <https://thecounter.org/usda-food-farmers-to-families-food-boxes-caribbean-produce-exchange/>).

²⁴¹ Email from Julie Radford, Chief of Staff, White House Advisor Ivanka Trump, to Joby Young, Chief of Staff, Secretary Sonny Perdue, Department of Agriculture (June 16, 2020) (online at <https://assets.documentcloud.org/documents/20619091/usda-emails-regarding-farmers-to-families-food-box-program.pdf>).

²⁴² *Trump to Include Letter on Coronavirus Guidelines in Food Delivery Program for Those in Need*, Fox News (July 31, 2020) (online at www.foxnews.com/politics/trump-to-include-letter-on-coronavirus-guidelines-in-food-delivery-program-for-those-in-need); Email from Julie Radford, Chief of Staff, White House Advisor Ivanka Trump, to Joby Young, Chief of Staff, Secretary Sonny Perdue, Department of Agriculture (June 16, 2020) (online at <https://assets.documentcloud.org/documents/20619091/usda-emails-regarding-farmers-to-families-food-box-program.pdf>).

²⁴³ Letter from President Donald J. Trump to Farmers to Families Food Box Recipients (online at <https://assets.documentcloud.org/documents/7048751/Farmers-to-Families-Food-Box-Letter.pdf>).

²⁴⁴ Email from Contract Specialist, Department of Agriculture, to Farmers to Families Food Box Distributors (Sept. 17, 2020) (online at www.americanoversight.org/document/usda-records-regarding-farmers-to-families-food-box-program).

²⁴⁵ “*Someone’s Profiting off This*”: *New Public Records Reveal COVID-19 Hunger Relief Contractors Get Handsome Payouts for Mediocre Food Boxes*, The Counter (Sept. 3, 2020) (online at <https://thecounter.org/usda-food-farmers-to-families-food-boxes-caribbean-produce-exchange/>).

²⁴⁶ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Operating Officer, Los Angeles Regional Food Bank (Oct. 7, 2020).

²⁴⁷ Survey call by Majority Staff, Select Subcommittee on the Coronavirus Crisis, to President/Chief Executive Officer, San Antonio Food Bank (Oct. 20, 2020).

²⁴⁸ *Id.*

²⁴⁹ Letter from Chairwoman Marcia L. Fudge, Subcommittee on Nutrition, Oversight, and Department Operations, Committee on Agriculture, to Secretary Sonny Perdue, Department of Agriculture (Aug. 14, 2020) (online at <https://www.politico.com/f/?id=00000174-ebd8-db77-abfe-efda74550000>).

²⁵⁰ Letter from Chairwoman Marcia L. Fudge, Subcommittee on Nutrition, Oversight, and Department Operations, Committee on Agriculture, to Secretary Sonny Perdue, Department of Agriculture (Oct. 9, 2020) (online at https://agriculture.house.gov/uploadedfiles/farmers_to_families_food_box_10_09_20.pdf).

²⁵¹ Letter from Freedom of Information Act Officer, Office of General Counsel, Department of Agriculture to Executive Director, American Oversight (Oct. 9, 2020) (online at www.americanoversight.org/document/no-records-response-from-usda-regarding-costs-of-signed-letter-from-president-trump).

²⁵² President Donald J. Trump, *Remarks by President Trump on the Farmers to Families Food Box Program Distribution – Mills River, NC* (Aug. 24, 2020) (online at <http://web.archive.org/web/20210120111846/www.whitehouse.gov/briefings-statements/remarks-president-trump-farmers-families-food-box-program-distribution-mills-river-nc/>); *The 8 States Where 2020 Will Be Won or Lost: A POLITICO Deep Dive*, Politico (Sept. 8, 2020) (online at www.politico.com/news/2020/09/08/swing-states-2020-presidential-election-409000).

²⁵³ Email from Rachel Craddock, White House Advisor Ivanka Trump, to Blake Rollins, Director of the Office of External and Intergovernmental Affairs, Office of the Secretary, Department of Agriculture, and Lauren Sullivan, Director of Operations, Office of the Secretary, Department of Agriculture (Aug. 21, 2020) (online at <https://assets.documentcloud.org/documents/20619091/usda-emails-regarding-farmers-to-families-food-box-program.pdf>).

²⁵⁴ Letter from Deputy Director, Citizens for Responsibility and Ethics in Washington, to Special Counsel, Office of Special Counsel (Aug. 26, 2020) (online at www.citizensforethics.org/wp-content/uploads/legacy/2020/08/OSC-Sec-Perdue-08-26-2020-FINAL.pdf).

²⁵⁵ Briefing by Administrator, Agricultural Marketing Service, Department of Agriculture, *et al.*, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020).

²⁵⁶ Department of Agriculture, Secretary Sonny Perdue, *Remarks by Secretary Perdue on the Farmers to Families Food Box Program Distribution – Mills River, NC* (Aug. 24, 2020) (online at www.c-span.org/video/?475118-1/president-delivers-remarks-farmers-families-food-box-program).

²⁵⁷ Letter from Chief, Hatch Act Unit, U.S. Office of Special Counsel, to Deputy Director, Citizens for Responsibility and Ethics in Washington (Oct. 8, 2020) (online at www.citizensforethics.org/wp-content/uploads/2020/10/HA-20-000394-Closure-Letter-to-CREW.pdf).

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ *Perdue: Time to End the Food Box Program*, Blue Book Services (Sept. 23, 2020) (online at www.producebluebook.com/2020/09/23/perdue-time-to-wrap-up-the-food-box-program/).

²⁶¹ Department of Agriculture, *Press Release: USDA Announces Fourth Round of the Farmers to Families Food Box Program* (Oct. 23, 2020) (online at www.usda.gov/media/press-releases/2020/10/23/usda-announces-fourth-round-farmers-families-food-box-program).

²⁶² Briefing by Administrator, Agricultural Marketing Service, Department of Agriculture, *et al.*, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 13, 2020).

²⁶³ Government Accountability Office, *Agriculture Spending: Opportunities Exist for USDA to Identify Successes and Challenges of the Farmers to Families Food Box Program to Inform Future Efforts* (Sept. 16, 2020) (GAO 20-711R) (online at www.gao.gov/assets/gao-20-711r.pdf).