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October 6, 2020

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Secretary Perdue:

I write to express concern about a troubling report regarding the distribution of food boxes under the U.S. Department of Agriculture's (USDA) Farmers to Families Food Box program. There is a report that several faith-based organizations participating in the Farmers to Families Food Box program are including religious messages in food boxes they are distributing, conducting prayer and other religious activity as part of the distribution of boxes, using the food box distribution to engage in solicitations, and limiting the distribution of food boxes to church members or individuals who participate in church offered services, such as Bible study.<sup>1</sup> I am very concerned that the distribution of these food boxes is being done in a manner that violates the rights of those most in need and in blatant violation of USDA's own regulations.

Since 2004, USDA's regulations have prohibited "explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, as part of the programs or services supported with USDA direct assistance."<sup>2</sup> Further, those longstanding regulations have also made clear that if a faith-based entity offers religious services, "the activities must be offered separately, in time or location, from the programs or services supported with USDA direct assistance, and participation must be voluntary for beneficiaries of the programs or services supported with such USDA direct assistance."<sup>3</sup> Those regulations also require that beneficiaries cannot be discriminated against "on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice."<sup>4</sup> Several of the practices at food distribution sites detailed in the news article appear to violate these longstanding policies.<sup>5</sup>

<sup>1</sup> "Please take a moment to thank Jehovah": Churches distributing USDA food boxes are blurring the boundaries between church and state, The Counter (Sept. 30, 2020) (accessible at: <https://thecounter.org/churches-usda-covid-19-food-boxes-boundaries-church-and-state/>).

<sup>2</sup> 7 C.F.R. §16.4(b).

<sup>3</sup> 7 CFR 16.4(e).

<sup>4</sup> 7 C.F.R. §16.4(a).

<sup>5</sup> USDA's regulations also conform with the guidance from the U.S. Department of Justice and guidance as issued per Executive Order 13279, as amended, which make clear that any religious activity offered by an organization must be separated in time or location from the federal program. The regulations further require that program beneficiaries cannot be discriminated on the basis of religion. See 82 Fed. Reg. 49,668 (Oct. 26, 2017).

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Faith-based organizations and other community-based organizations have long been valuable partners with the federal government in delivering services to some of our most vulnerable individuals, but they have usually done so while respecting the rights of these individuals. It is a basic and fundamental principle that individuals should not have to pass a religious test to access federally funded services, including food assistance. Practices that result in religious discrimination and coercion against individuals and families in need seeking food boxes under this program are not only wrong, they violate USDA regulations and as such, must be remedied by USDA.

For the above reasons, I ask that USDA immediately address these reported violations to ensure that food distribution under this program is being directed to individuals and families in need in accordance with USDA's regulations and policies. In addition, I request that USDA provide the following information:

1. A list of all contractors that participate in the Farmers to Families Food Box program and their intermediary and end distributors;
2. A detailed description of program guidelines USDA provides to both intermediary and end distributors;
3. A detailed description of USDA's oversight and enforcement of federal contracting guidelines, especially for those contractors and distributors that are new to federal contracting;
4. Communications with contractors and distributors regarding USDA's regulations and policies related to religious liberty;
5. Whether USDA has found any violations of its regulations and policies related to religious liberty, and if so, the agency's response; and
6. A detailed explanation of USDA's plan of action in response to the practices at food distribution sites detailed in the abovementioned news article.

Please provide the requested information by October 20, 2020. As you work to respond to this request, I also reiterate the outstanding requests from my August 24, 2020, letter regarding this Farmers to Families program. If you have any questions, please contact Cathy Yu, Director of Labor Oversight for the Committee on Education and Labor, at [Cathy.Yu@mail.house.gov](mailto:Cathy.Yu@mail.house.gov). Please direct all official correspondence to the Committee's Clerk, Mariah Mowbray, at [Mariah.Mowbray@mail.house.gov](mailto:Mariah.Mowbray@mail.house.gov).

Thank you for your attention to this urgent matter.

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**

Chair