

WHAT'S AT STAKE IN *FULTON*: EMERGENCY FOOD ASSISTANCE



If the U.S. Supreme Court rules in *Fulton* that religiously affiliated organizations that contract with federal, state, and local governments don't have to abide by contract terms, including nondiscrimination provisions, it would substantially jeopardize government services for millions of people. Millions of people rely on emergency food assistance each year through food banks, soup kitchens, and community-based organizations. Depending on how the Court rules, taxpayer-funded organizations could turn away those in need because of who they are, their religion, what their family looks like or more.

MILLIONS OF PEOPLE ARE IN NEED OF EMERGENCY FOOD ASSISTANCE

In 2019, before the global COVID-19 pandemic **3.7% of adults reported they were food insecure**, meaning they lacked enough food at least some time during the year. As a result of the pandemic and substantial job losses, this has jumped **to 10.5% of adults reporting this problem in the past week**. Food insecurity jumped **from 1% for adults with children pre-pandemic to 14% in mid-August**.

1 in **10**
adults reported not getting
enough food in the past week

NEARLY \$400M IN TAXPAYER DOLLARS COULD BE USED TO TURN AWAY THOSE IN NEED OF FOOD ASSISTANCE

The Emergency Food Assistance Program (TEFAP) is one of several federal programs that provide emergency food assistance to low-income people, and in FY2020, Congress budgeted **\$397.1 million** for this vital program. TEFAP is administered by states through food banks which distribute food to food pantries, soup kitchens, and other sites like emergency shelters. According to federal data, an estimated **5.7 million households relied on food pantries and at least 657,000 households visited soup kitchens for food in 2018**.

Because states rely on local food banks, pantries, and soup kitchens to provide TEFAP food, the impact of the *Fulton* case could be disastrous for the millions of people in the United States in need of food assistance. A 2004 study found that, **nationally, between 65-75% of organizations in the emergency food network are religiously affiliated**. Similarly, a Congressional Research Service study found that most food banks were secular nonprofits but the **majority of food pantries and soup kitchens** were religiously affiliated. Food banks, pantries, and soup kitchens that are religiously affiliated could create religious litmus tests to determine whom they will serve. This could mean that unmarried couples, LGBTQ people and their families, unmarried women with children, and people of a different faith may find themselves without access to emergency food during times of need. For example:

- A religiously affiliated soup kitchen that receives state funding could refuse to serve a Muslim or Jewish family.
- A food pantry operated by a religiously affiliated agency that receives state funding could turn away a same-sex couple or transgender person.
- A soup kitchen could require people to listen to religious proselytization or participate in prayers in order to receive assistance, while still receiving federal or state funding.