



Sending a “Review Request Letter” to NIFA or AMS to Protect Your USDA Signed Agreement

This resource is written for organizations nationwide who:

- 1) **Have a signed grant award** with the National Institute of Food and Agriculture (NIFA) or Agriculture Marketing Service (AMS) and,
- 2) **Have received a written notification terminating or freezing grant funding** and want more information on sending a “Review Request” letter to appeal this decision.

This resource includes sample letters.

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For farms or organizations with USDA agreements through NRCS (National Resources Conservation Service), FSA (Farm Service Agency), RD (Rural Development), RBS (Rural Business-Cooperative Service), or RMA (Risk Management Agency), check out our resource: [Filing a NAD Appeal](#).

For farms or organizations that are not ready to file an appeal or have yet to receive written notification about the status of their USDA funding, check out our resource: [Sending an Inquiry Letter](#).

Disclaimer: *Farm Commons is offering this resource to provide educational resources to organizations as they make their own decisions about how to respond to USDA’s funding freezes and terminations. This resource does not provide legal advice and is not an offer to provide legal services. No attorney-client relationship is formed by reading this document or by taking action based on it. No specific outcome is guaranteed as a result of sending an appeal letter as described in this resource. The legal issues involved are complex, everchanging, and uncertain. The information we provide is based on our current knowledge and understanding, as well as ongoing conversations with lawyers and organizations. As the situation and our understanding continue to evolve, we will update this resource.*



Common USDA grant programs that this resource addresses include:

**This is not an exhaustive list:*

- Sustainable Agriculture Research and Education (SARE) Grants (via NIFA)
- Beginning Farmer and Rancher Development Program (BFRDP) (via NIFA)
- Community Food Project Competitive Grants Program (CFPCGP) (via NIFA)
- New Era of Agricultural Innovation (NEAI) Program (via NIFA)
- Veterans in Agriculture Program (VAP) (via NIFA)
- Farmers Market Promotion Program (FMPP) (via AMS)
- Specialty Crop Block Grants (SCBGP) (via AMS)
- Resilient Food Systems Infrastructure Program (RFSI) (via AMS)
- Local Food Purchase Assistance Cooperative Agreement Program (LFPA)(via AMS)
- Local Food for Schools (LFS) (via AMS)
- Regional Food System Partnerships (RFSP) (via AMS)
- Farm Labor Stabilization Pilot Program (FLSPP) (via AMS)
- Organic Market Development Grant (OMD) (via AMS)
- Farm Labor Stabilization and Protection Pilot Program (FLSPP) (via AMS)

What about sub-awards?

Sub-awardees do not have the right to file an appeal with the USDA regarding the freeze or termination of a prime award. That's because sub-awardees are not a party to that agreement. Prime awardees (i.e., states and universities) may choose to send a "Request Letter" to NIFA and AMS as discussed in this resource. Sub-awardees can encourage the prime award holder to do so. However, it's the prime-awardee's decision. A sub-awardee could request the prime award-holder to honor the sub-award contract and disburse the funds, regardless of the USDA's decision. Usually, however, the sub-award contract has a provision that if the federal funds are not received by the prime award holder, the sub-award contract is terminated.

Why send a "review request" letter?

Sending a "review request" letter—to appeal the USDA's decision to freeze or terminate grant funding—can be a powerful way to stand in solidarity with other farmers and organizations resisting the dismantling of critical programs. It also gives you a chance to gain clarity on your grant—and possibly even have your funding reinstated.



Even if USDA does not reverse its decision, sending this letter is a form of an “appeal,” which is often **necessary to preserve your legal rights**.

Why? Before a lawsuit can move forward in federal court, farmers and organizations are usually required to “**exhaust administrative remedies**”—meaning they must go through all available appeal processes within the USDA first. Skipping this step could result in a court dismissing your case, even if your claim is valid and strong.

Yes, this process takes time. There are no guarantees. USDA may respond that the decision was allowed under shifting agency priorities or that no official or final decision has yet been made. Still, going through the process can put you in a stronger position moving forward. It **builds a record of harm, demonstrates good faith, and keeps your legal path open**.

Whether or not to appeal is a personal decision. **Farm Commons is here to support you either way**—and to help you understand the steps if you decide to move forward.

This resource is specific to programs administered through NIFA and AMS. Other USDA agencies (e.g., NRCS, FSA, RD, RBS, and RMA) have a different appeal process—which requires filing an appeal letter through the USDA National Appeals Division (NAD) within 30 days of receiving an “adverse decision.” If you do decide to appeal, it’s critical to follow the correct process for your specific contract or grant and meet the required deadlines.

Weighing benefits and drawbacks of sending a “Review Request” letter

Initiating an appeal process with the USDA can feel daunting—but it also offers important legal and financial opportunities.

Even if the USDA rejects your request for review, creating a record that you challenged the decision can strengthen any future legal action. Filing now may:

- Improve your chances of having your contract or grant reinstated—fully or partially—without going to court
- Demonstrate a good faith effort to get a different decision.
- Create a record that USDA’s action may have been arbitrary or unlawful.
- Protect your legal right to challenge the decision in federal court later.

There are no legal downsides to filing an appeal—but there are some practical considerations:

- It takes time and energy to draft and submit an appeal.
- The appeal may be rejected as “untimely,” requiring you to refile.
- It could strain relationships—especially if the process becomes contentious.

Bottom line: Sending a “review request” letter doesn’t guarantee success—but it keeps the door open.

Is there a risk of retaliation?

Sending a “review request” letter may irritate or frustrate your grant administrator or local field staff, as it can be received as contentious. Using respectful and careful wording can help alleviate this risk. But it is still a risk.

If you are concerned about your relationship with the grant administrator or other USDA staff, you could call them or send an email to explain your situation. For example,

“Please do not take this letter as a personal attack. We appreciate your support of our program. We’re concerned our funding will be terminated, which puts us in a critical financial situation. We’re raising our concerns to the USDA now to protect our legal and financial interests. We trust you understand.”

When and where to send a “review request” letter

NIFA and AMS each have their own regulations and policies for appealing a termination or other “post-award” decision.

NIFA grant agreements

NIFA has a formal appeal process outlined in [7 CFR § 3430.62](#):

- **Step 1: Within 60 days** of receiving a written notice of termination or freeze, send a "Request for Review" letter to the NIFA official specified in the notice. The request must outline the basis of the disagreement and provide supporting documentation.
- **Step 2:** If your request for review is denied, submit a further review request to the **NIFA Office of Grants and Financial Management (OGFM) Deputy Director**.

AMS grant agreements

For **AMS grants**, the appeal process is not set forth in regulations.

Unfortunately, it is not as clear or straightforward. The AMS has two internal policies that outline ways to challenge “post-award” decisions, including withholding of payments and termination. Unfortunately, these procedures are **inconsistent and unclear**, so we recommend following the **most conservative deadline of 30 days** to preserve your rights. Here’s the background.

1. AMS [***Late Applications, Denials and/or Appeal Procedures***](#).

This policy allows grant recipients to appeal “post-award” decisions, including: “[w]ithholding of payments, partial suspension of an award....” (See pg. 8).

What to do:

Step 1: “Request a clarifying discussion with the Team Lead.”

Step 2: If the recipient believes AMS made a “substantial or procedural error” in its post-award decision, submit a formal appeal letter to the Branch Chief. The appeal must describe what happened and include any documentation to substantiate the appeal.

Deadline: This procedure **does not specify a deadline**—but acting quickly is still advised.

2. [***AMS Grants Division General Terms and Conditions***](#).

This document provides an appeal process for AMS decisions related to “**non-compliance remedies**,” such as **terminations or modifications** based on alleged failure to meet grant terms. (See Section 17, p. 32).

What to do:

- Submit a **written “request for review”** to your **Federal Agency Project contact** (see Block 9 or 10 of your Notice of Award).
- The letter should explain the decision being appealed, describe what happened, and include supporting documentation.
- AMS will then review the decision within 30 days.

Deadline: This policy requires the review request letter to be sent within 30 days of receiving AMS’s “non-compliance remedy” decision.

Which appeal policy applies?

That’s unclear—and part of the problem. It depends on how AMS classifies its decision. Is it a “non-compliance remedy”? The following outlines the most cautious approach to protect your rights to appeal.

If you received a written notice freezing or withholding funds:

- This is **likely not yet considered a “non-compliance remedy.”**
- However, we recommend initiating **Step 1 (request clarification from your Team Lead)** as soon as possible by sending them a Review Request Letter. If your Team Lead fails to respond within a reasonable time or responds with an adverse decision, you can then send a follow-up Review Request letter to the AMS Branch Chief.

If you received a formal termination letter from AMS:

- **This may not be a “non-compliance remedy.”** The termination letters we’ve seen state that the reason for termination is that the grant award “no longer effectuates agency priorities regarding diversity, equity, and inclusion.” There are no allegations that the recipient is not in compliance with the grant terms and conditions.
- **However, reasonable minds can disagree.** The USDA might argue that this is a “non-compliance remedy.”
- **To protect your rights, we strongly recommend submitting a review request letter within 30 days of receiving an AMS termination notice.**

Note: We realize these paths for AMS are confusing and frustrating as they are not completely transparent. If you have received a written termination letter



from AMS, and the 30 days have already passed, you may still benefit from sending a review request letter as soon as possible— as it demonstrates a good faith effort to raise your objections and keep your legal path open. AMS is required by law to provide written procedures for the opportunity to appeal or challenge its decisions. 2 C.F.R. § 200.342. The formal notice of termination from the agency should include a statement of these appeal rights. For example, the NIFA regulations require that NIFA includes a statement of appeal rights in formal notification of an adverse determination. If the termination notice you received did not include these appeal procedures, you may still have a right to appeal.

The following presents a step-by-step guide for sending a Review Request Letter, including a *Sample Review Request Letter*. Also included is a *Sample Follow-Up Review Request Letter* that can be sent to the NIFA OGFM Deputy Director or AMS Branch Chief if the organization receives an adverse response to the initial letter.

Is a lawyer required?

No—Farmers and organizations can draft and send a “review request” letter without a lawyer. This resource outlines the steps, highlights legal arguments to include, and provides Sample Letters to support farmers and organizations who choose to initiate an appeal on their own.

But it’s still a legal process, and mistakes can affect your rights. If you move forward without legal representation, take care to follow deadlines and thoroughly include the facts and documents supporting your case.

If you feel more comfortable having legal representation, contact one of us, and we can connect you with an attorney.

Nationwide: **Farm Commons:** info@farmcommons.org

Farmers’ Legal Action Group (FLAG): lawyers@flaginc.org

Northeast: **Legal Food Hub, Conservation Law Foundation:** legalfoodhub@clf.org

Steps for sending a “Review Request Letter”

Step 1: Identify the appropriate USDA official – For both **NIFA** and **AMS grants**, this will likely be the official who sent the termination or stop work notice. It’s safest to also send it to the grant administrator, or the Team Lead or Project Contact, identified in block 9 and 10 of the Notice of Award.

Step 2. Gather supporting documents, including the USDA grant award, the grant application that the USDA agency accepted along with the initial request for proposal, the written termination or freeze notification you received (e.g., email or letter), any other correspondence regarding the grant, including phone logs, and documents showing receipts for payment or other proof of financial harm the organization has incurred from the grant funding freeze or termination.

Step 3. Prepare a detailed letter describing the reason for bringing the appeal. Explain why the organization disagrees with the USDA’s decision to terminate or freeze grant funding. See the following section “**Framing Appeal Arguments**” and use the **Sample Review Request Letter** to support you in drafting a strong and thorough letter.

Step 4. Submit the Review Request letter– Sign the letter and send it by certified mail or email with the return receipt requested. For **NIFA**, the deadline is **60 days**. For **AMS**, organizations are encouraged to send the review request letter within **30 days of a written termination**. While it is unclear whether this deadline for “remedies of non-compliance” applies—especially given there has been no allegation of non-compliance—it is the safest approach to keep the door of legal actions open Either way, organizations are encouraged to submit their request as soon as possible and seek clarification on applicable time limits.

Step 5. Escalate the Appeal if Needed – If the initial review is denied, send a further review request. Use the **Sample Follow-Up Review Request Letter** for a framework. Then send the letter with supporting documents to:

1. NIFA: **Office of Grants and Financial Management (OGFM) Deputy Director**

2. AMS: **AMS Branch Chief**

A response at this level is considered “final agency action.” If it is adverse, you could then consider filing a lawsuit in federal court.

Framing Appeal Arguments: Balancing Benefits and Risks

Every organization will bring a unique set of facts when crafting its review request letter. Your contract or grant agreement, your application materials, and the USDA’s communications will all shape how you make your case.

When appealing a USDA decision to freeze or terminate funding, it’s important to frame your arguments in a way that best fits the facts of your situation and is true to your values and mission.

Strategic Considerations

- **Value and Mission Alignment:** Many organizations and farmers work to support underserved communities or promote conservation, renewable energy, or climate-smart programs. For example, nonprofits may wish to defend DEI-focused objectives or climate and conservation goals while emphasizing the program's broader agricultural and economic impacts.
- **Risk of Retaliation:** While you have the right to appeal, it’s natural to worry about damaging relationships. A professionally worded appeal can be firm, respectful, and focused on the facts and legal obligations—preserving relationships and future opportunities while still standing up for your legal and financial interests and rights.
- **Legal strategies:** The appeal is also a chance to build the foundation for any possible future legal action. Choose legal arguments that best match your facts—and that you’d feel confident defending if the case were to move into court or the public eye.

Legal Arguments You May Want to Raise

Here are several legal frameworks that could support your appeal:

1. The Administrative Procedure Act (APA) – Unfair Government Action

USDA cannot act in an “arbitrary and capricious” manner. Agencies are required to explain their decisions and treat similar situations consistently. If



they fail to do so, their actions may be unlawful. If your contract or grant was approved and then suddenly frozen or canceled without a clear explanation or consistent reasoning, you may argue the agency failed to follow legal standards for transparency, consistency, and fairness.

2. “Reliance Interests” – You Planned Around This Funding

If you budgeted, hired staff, launched programs, entered an arrangement with a sub-contractor, or made planting, construction, or operational decisions based on the USDA’s promise of funding, you may argue that the USDA failed to consider your legitimate reliance on its decision. Courts have found that disrupting these reliance interests without strong justification may be unlawful.

3. Federal Law – USDA Must Follow Congressional Priorities

Congress has set clear priorities in federal law, including support for:

- Historically underserved farmers and ranchers
- Climate-smart, renewable energy, and conservation-based initiatives
- Equitable access to USDA programs

If USDA is withholding funding in contradiction to these priorities—or without a legal basis for changing course—it may be violating federal law. The USDA cannot override the priorities Congress mandates simply by changing its internal policies.

Constitutional Concerns – Unequal or Biased Treatment

If the USDA disproportionately terminates or freezes funding that supports historically underserved farmers, minority farmers, DEI programs, renewable energy and other climate-related goals, or conservation initiatives while allowing similar programs to continue, this may raise concerns under equal protection laws. It could also raise concerns about free speech rights if organizations are penalized for certain viewpoints.

Tailor Your Arguments Thoughtfully

Not every appeal will include every argument. Choose the ones that:

- Best fit the facts and circumstances of *your* situation
- Reflect your values and mission



- You feel comfortable defending publicly and legally.

Use the following Sample Letters as a framework to share the relevant facts and tailor the arguments of your case.

Your letter does not have to be as detailed as these Sample Letters.

Ultimately, an appeal letter is meant to elevate your concerns, compel a decision in your favor, and seek clarity for the next steps. **For another example, see the [Appeal Letter sent by the Pennsylvania Department of Agriculture to AMS](#) on March 25, 2025, regarding the termination of their Local Food Purchase Assistance (LFPA) 2025 Cooperative Agreement.**

Reach out for questions and support:

Nationwide: **Farm Commons:** info@farmcommons.org

Farmers' Legal Action Group (FLAG): lawyers@flaginc.org

Northeast: **Legal Food Hub, Conservation Law Foundation:** legalfoodhub@clf.org



Sample "Review Request Letter" (grant termination or freeze)

[Organization Name]

[Organization Address]

[City, State, ZIP]

[Email Address]

[Phone Number]

[NIFA grant administrator, identified in block 9 and 10 of the Notice of Award]

U.S. Department of Agriculture

[Office Address]

AND

[NIFA office specified in freeze/termination notice]

U.S. Department of Agriculture

[Office Address]

-OR-

[AMS Team Lead or Project Contact, identified in block 9 and 10 of the Notice of Award]

U.S. Department of Agriculture

[Office Address]

AND

[AMS office specified in freeze/termination notice]

U.S. Department of Agriculture

[Office Address]

[Date]

Subject: Appeal of Grant Termination – [Grant Name & Number]

Dear [grant administrator or Team Lead AND official specified in the freeze or termination notice],

We formally appeal the [local office] decision to terminate our grant, [Grant Name & Number], as stated in the termination notice dated [Date]. We respectfully request a formal review of this decision on the following grounds:

1. Overview of our grant program and alignment with USDA goals

- Our organization was awarded this grant to [briefly describe primary goals and objectives of the grant, e.g., increase market access for small farmers,

provide conservation education, support historically underserved communities].

- These objectives are consistent with the USDA's stated priorities for this program [briefly describe program priorities, from request for proposal, agency website, etc.]
- Our program has already demonstrated positive impacts, such as [describe any measurable impacts to date: number of farmers assisted, improvements in conservation practices, economic benefits, etc.].

2. Arbitrary and capricious action, in violation of the APA

- [AMS/NIFA] set clear program priorities in its funding announcements, explicitly encouraging projects like ours. Now, it is penalizing recipients for following those priorities without providing a reasonable explanation for this sudden shift.
- The decision to terminate our grant in its entirety, rather than considering modifications or partial adjustments, is overly broad and irrational. [Even if USDA now questions certain aspects of our program, a more reasonable approach would be to modify the scope of work and/or grant application and award language rather than terminate the grant entirely. [Our program primarily supports [describe primary mission], with only [percent]% of activities tied to DEI].
- The agency's decision to terminate funding without considering reliance interests and program impact is an unjustified policy reversal. Our organization planned staffing, budgeting, and operations around the USDA's prior commitment to this funding. The abrupt termination has caused severe financial and operational harm.

3. Violation of federal statutes [and constitutional claims]

- Congress has consistently recognized the importance of [supporting conservation, renewable energy, and climate-smart initiatives and/or ensuring that historically underserved communities have fair access to USDA resources].
- The USDA's decision contradicts Congressional intent, as set forth in federal statutes that prioritize [conservation, renewable energy, and climate-smart initiatives and/or equitable access to USDA resources, [including the Farm Bill, the Agriculture Improvement Act of 2018, the Inflation Reduction Act (IRA), the Infrastructure Investment and Jobs Act (IIJA), and various annual



appropriations bills that fund USDA programs **note: if you know the statutory source funding your grant program, specifically refer to it*].

- Federal funding priorities under these laws aim to support underserved farmers, sustainable agriculture, renewable energy, rural development, and market access initiatives. Our program was designed in alignment with these legislative mandates, ensuring that USDA resources are directed toward achieving Congress's goals.
- In addition, the USDA's decision to terminate our grant raises significant constitutional concerns regarding the disparate impact on organizations [serving historically underserved communities OR supporting renewable energy, climate-smart, and conservation initiatives] as well as compelled speech. These constitutional concerns may require further legal review.

Requested Actions:

- We ask that USDA reconsider its decision in light of our compliance with program objectives and statutory mandates.
- [If the USDA has concerns about specific aspects of our program, we are willing to discuss grant and/or language modifications rather than outright termination].

In addition, please provide your written procedures for processing objections, hearings, and appeals, which you are required to maintain under 2 C.F.R. § 200.342. If USDA does not maintain such procedures, or if you contend that they are not applicable to our agreement, please inform us promptly so that we may take appropriate action.

Enclosed are supporting documents, including [grant application/agreement, project impact reports, financial records, and communications with USDA].

Thank you for your prompt attention to this case.

Sincerely,

[Name]

[Title]

[Organization Name]



Sample “Follow-Up Review Request Letter” (grant termination or freeze)

[Organization Name]

[Organization Address]

[City, State, ZIP]

[Email Address]

[Phone Number]

[NIFA Office of Grants and Financial Management (OGFM)

Deputy Director]

U.S. Department of Agriculture

[Office Address]

-OR-

AMS Branch Chief

U.S. Department of Agriculture

[Office Address]

[Date]

Subject: Appeal of Grant Termination – [Grant Name & Number]

Dear [NIFA OGFM Deputy Director or AMS Branch Chief],

We are formally appealing the [local office] decision to [freeze/terminate] our grant, [Grant Name & Number], as stated in the termination notice dated [Date]. We requested a review of this decision in our correspondence with [contact name and office where you sent your letter] on [insert date]. [Describe what the letter said that is unfavorable OR state that “It has been [14] days since we sent the letter and they have failed to respond. This is an unreasonable delay as we need clarity now on whether the funding will be available].

As I expressed in my prior correspondence, we respectfully request a formal review of this decision on the following grounds:

1. Overview of our grant program and alignment with USDA goals

- Our organization was awarded this grant to [briefly describe primary goals and objectives of the grant, e.g., increase market access for small farmers,

provide conservation education, support historically underserved communities].

- These objectives are consistent with the USDA's stated priorities for this program [briefly describe program priorities, from request for proposal, agency website, etc.]
- Our program has already demonstrated positive impacts, such as [describe any measurable impacts to date: number of farmers assisted, improvements in conservation practices, economic benefits, etc.].

2. Arbitrary and capricious action, in violation of the APA

- [NIFA/AMS] set clear program priorities in its funding announcements, explicitly encouraging projects like ours. Now, it is penalizing recipients for following those priorities, without providing a reasonable explanation for this sudden shift.
- The decision to terminate our grant in its entirety, rather than considering modifications or partial adjustments, is overly broad and irrational. [Even if USDA now questions certain aspects of our program, a more reasonable approach would be to modify the scope of work and/or grant application and award language rather than terminate the grant entirely. [Our program primarily supports [describe primary mission], with only [percent]% of activities tied to DEI.]]
- The agency's decision to terminate funding without considering reliance interests and program impact is an unjustified policy reversal. Our organization planned staffing, budgeting, and operations around the USDA's prior commitment to this funding. The abrupt termination has caused severe financial and operational harm.

3. Violation of federal statutes

- Congress has consistently recognized the importance of [supporting climate-smart and conservation initiatives and/or ensuring that historically underserved communities have fair access to USDA resources].
- The USDA's decision contradicts Congressional intent, as set forth in federal statutes that prioritize [climate-smart and conservation initiatives and/or equitable access to USDA resources, [including the Farm Bill, the Agriculture Improvement Act of 2018, the Inflation Reduction Act (IRA), the Infrastructure Investment and Jobs Act (IIJA), and various annual appropriations bills that fund USDA programs *note: if you know the statutory source funding your grant program, specifically refer to it]].



- Federal funding priorities under these laws aim to support underserved farmers, sustainable agriculture, rural development, and market access initiatives. Our program was designed in alignment with these legislative mandates, ensuring that USDA resources are directed toward achieving Congress's goals.

Requested Actions:

- We request an evidentiary hearing to present additional documentation and testimony.
- We ask that USDA reconsider its decision in light of our compliance with program objectives and statutory mandates.
- [If the USDA has concerns about specific aspects of our program, we are willing to discuss grant and/or language modifications rather than outright termination].

In addition, please provide your written procedures for processing objections, hearings, and appeals, which you are required to maintain under 2 C.F.R. § 200.342. If USDA does not maintain such procedures, or if you contend that they are not applicable to our agreement, please inform us promptly so that we may take appropriate action.

Enclosed are supporting documents, including [grant application/agreement, project impact reports, financial records, and communications with USDA, including the initial request for review and USDA response]. We look forward to your response

Sincerely,

[Name]

[Title]

[Organization Name]