

# United States Senate

WASHINGTON, DC 20510

The Honorable Brooke L. Rollins  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

January 14, 2026

Dear Secretary Rollins:

We write with deep concern regarding the U.S. Department of Agriculture’s (USDA) final rule entitled "Removal of Unconstitutional Preferences Based on Race and Sex in Response to Court Ruling," published in the Federal Register on July 10, 2025. By stripping regulations designed to address discrimination against “socially and economically disadvantaged” farmers, it removes lifelines that have supported small, community, and family farms—including those run by Black, Latino, women, and Indigenous producers—that supply local grocers, serve food-insecure neighborhoods, and support regional food systems that improve public health. USDA’s notion that its discriminatory history has been “sufficiently addressed” rings hollow for many farmers of color and women farmers and overlooks both recent data and lived experiences of producers still navigating barriers to capital, land, and institutional trust.

More than 19 million Americans live in food deserts—especially in low-income and tribal communities.<sup>1</sup> Small and mid-sized farms play a vital role in ensuring that communities have access to fresh, healthy food. Programs like the USDA Indigenous Food Sovereignty Initiative demonstrates how USDA support to Indigenous communities have played a key role in addressing disparities.<sup>2</sup> The socially and economically disadvantaged farmer designation specifically ensured access to financial supports provided the Guaranteed Loan Program, Conservation Reserve Program, Loans and Grants Program, and others that help maintain the operations needed to provide local neighborhoods and groceries with food.<sup>3</sup> Unfortunately, between 2017 and 2022, small farms declined by 7%, while large-scale operations captured more farmland and taxpayer subsidies.<sup>4</sup> By eliminating equity-focused criteria, USDA tilts the playing field further in favor of industrial agribusiness over community-based, sustainable farming.

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<sup>1</sup> U.S. Department of Agriculture, Economic Research Service, Mapping Food Deserts in the U.S. (Food Deserts and Low-Access Areas), citing USDA data that approximately 19 million people (≈6% of U.S. population) lived in low-income, low-access census tracts as of 2015; other estimates cite up to 23.5 million in broader contexts

<sup>2</sup> U.S. Department of Agriculture, “USDA Indigenous Food Sovereignty Initiative,” accessed August 14, 2025, U.S. Department of Agriculture, Office of Tribal Relations, Programs and Services section, <https://www.usda.gov/about-usda/general-information/staff-offices/office-tribal-relations/programs-and-services/usda-indigenous-food-sovereignty-initiative>.

<sup>3</sup> United States Department of Agriculture, Removal of Unconstitutional Preferences Based on Race and Sex in Response to Court Ruling, 90 Fed. Reg. 30555 (July 10, 2025) (to be codified at 7 C.F.R. pt. 9, 400, 636, 760, 761, 762, 767, 1410, 1465–1468, 4280, & 5001)

<sup>4</sup> “America is a factory farming nation”: key takeaways from US agriculture census,” The Guardian, February 15, 2024, accessed July 28, 2025, <https://www.theguardian.com/environment/2024/feb/15/us-agriculture-census-farming>.

The USDA's rule comes at a time when inflation is increasing grocery bills and household food insecurity is rising. It coincides with the abrupt termination of USDA's Local Food Purchase Assistance and Local Food for Schools Programs—collectively worth over \$1 billion—which had provided vital contracts for small and mid-sized farms to sell to school, food banks, and regional distributors.<sup>5</sup> These programs were spearheaded by farmers who are socially and economically disadvantaged. The USDA touted in December of 2024 how food from the Local Food Purchase Assistance Program was sourced by more than 5,000 underserved local producers of the more than 8,000 producers who participated.<sup>6</sup> It proved to be impactful for states like Georgia where a Black owned, family farm was able to increase its egg production fivefold due to the community partnerships the program created.<sup>7</sup> Without this support, many farms risk losing steady customers, undermining their economic viability and reducing access to healthy local food in communities and undermines the goals of the “Make America Healthy Again” campaign by reducing access to fresh, local foods in schools and food banks—especially in low-income areas.

This final rule along with the elimination of the aforementioned programs undermines a vital a component of our agriculture system that serves as a lifeline for food security and community resilience. The COVID-19 pandemic exposed fragility in our supply chains, disrupted agricultural labor, limited transportation and travel, and reduced food demand and access due to widespread income loss.<sup>8</sup> During that crisis, small community farms played a critical role by serving as reliable sources of fresh produce and farm goods to local residents and food banks.<sup>9</sup> These farms provided a buffer against broader market failures and helped sustain food access during a global emergency.

COVID-19 reaffirmed small farms importance within our local and national food systems. Their sustainability is not optional, it is essential. According to the most recent USDA Census of Agriculture, many of these farms are operated by socially and economically disadvantaged producers. For example, the average size of farm operated by a Black producer is 163 acres; Asian producers it is 172 acres; and for Native Hawaiian or Pacific islander producers, 276 acres compared to the 450 acres for White producers.<sup>10</sup> These disparities highlight the structural barriers that persist and the importance of maintaining targeted support. It is essential to our national security that we uplift and not limit our smaller producers who create food access in times of national and global crisis.

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<sup>5</sup> “USDA Program Connecting Small Farms with Food Banks Is Ending,” The 19th, May 2025, accessed July 28, 2025, <https://19thnews.org/2025/05/usda-program-ending-collaboration-small-farms-food-banks/>.

<sup>6</sup> U.S. Department of Agriculture, “USDA Announces Availability of \$1.13 Billion for Local Food Programs,” press release, December 10, 2024.

<sup>7</sup> The Common Market, “Nonprofit Celebrates One-Year Milestone with Over \$2 Million Distributed to Georgia BIPOC and Women-Owned Farms,” *The Common Market blog*, December 12, 2023

<sup>8</sup> Mahmood, Haider, Maham Furqan, Gowhar Meraj, and Muhammad Shahid Hassan. 2024. “The Effects of COVID-19 on Agriculture Supply Chain, Food Security, and Environment: A Review.” *PeerJ* 12 (April 23)

<sup>9</sup> Estone Jiji Habanyati, Sivaraj Paramasivam, Parthasarathy Seethapathy, Sureshkumar Rajalingam, Aravind Jayaraman & Sudheesh Manalil. (2025) A synergy of participatory design and indigenous knowledge to address rice (*Oryza sativa* L.) cultivation challenges of Sadvayal village, Tamil Nadu, India. *Agroecology and Sustainable Food Systems* 49:6, pages 821-841.

<sup>10</sup> U.S. Department of Agriculture, *2022 Census of Agriculture: Demographic Profile for Farms with American Indian/Alaska Native Producers*, table “Total and Per Farm Overview, 2022” (Washington, D.C.: USDA/NASS, 2025)

USDA’s assertion that it has “sufficiently addressed” past discrimination, and “. . . race- and sex-based remedies are no longer necessary. . .” is not supported by available evidence.<sup>11</sup> Black farmers have lost 90% of the agriculture land they owned a century ago, which is estimated to be \$326 billion in value.<sup>12</sup> In 2022, USDA granted direct loans to only 36% of Black farmers while 72% of white farmers who applied were approved.<sup>13</sup> Black farmers also received the highest percentage of loan rejections of any racial or ethnic group and Black and Asian farmers have the greatest percentage of loan application withdrawals of any group.<sup>14</sup> In 2024, Black Farmers and Agriculturalists Association filed a lawsuit to rectify legacy discrimination experienced by descendants who were denied discriminatory financial assistance from USDA.<sup>15</sup> Similarly, despite representing over half of all farms but only 29% of principal operators, women farmers earn roughly half of what male counterparts do when factoring in land, machinery, and assets.<sup>16</sup> Disparities based on sex in financing, land tenure, and outreach remains a core barrier to farm viability. We are particularly troubled that this rule was finalized without robust public engagement or stakeholder consultation.

Nor is the USDA’s decision necessitated by *Strickland v. USDA*. While the district court issued a preliminary injunction in *Strickland*, no decision has been made on the merits of the case. Moreover, the USDA’s rule applies to programs that are not at issue in *Strickland*. A race-neutral approach is not race-blind in outcome. At a time when USDA is still working to rebuild in the wake of historic discrimination—as acknowledged in the *Pigford* and *Keepseagle* settlements—this rule threatens to reverse progress and widen the trust gap between the agency and the communities it serves. This rule sends an unmistakable signal to farmers of color and women producers that their history of disadvantage and their present-day challenges are no longer acknowledged by the federal government. Without intentional, evidence-based interventions, longstanding inequities will persist.

Ultimately, this decision does more than comply with a court ruling. It elevates corporate agriculture over family farms and community health, erases targeted support for farmers of color and women producers, and threatens to worsen food insecurity just as food costs escalate. We urge USDA to reconsider the broader consequences—not only for equity, but for the vitality of

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<sup>11</sup> Removal of Unconstitutional Preferences Based on Race and Sex, 90 Fed. Reg. 39130, July 10, 2025

<sup>12</sup> Dania V. Francis et al., “The Contemporary Relevance of Historic Black Land Loss,” Human Rights Magazine, Civil Rights and Social Justice Section, American Bar Association, January 6, 2023, <https://www.americanbar.org/groups/crsj/resources/human-rights/archive/contemporary-relevance-historic-black-land-loss/>.

<sup>13</sup> Ximena Bustillo, “In 2022, Black Farmers Were Persistently Left Behind from the USDA’s Loan System,” NPR, February 19, 2023, <https://www.npr.org/2023/02/19/1156851675/in-2022-black-farmers-were-persistently-left-behind-from-the-usdas-loan-system>.

<sup>14</sup> Mahmood, Haider, Maham Furqan, Gowhar Meraj, and Muhammad Shahid Hassan. 2024. “The Effects of COVID-19 on Agriculture Supply Chain, Food Security, and Environment: A Review.” *PeerJ* 12 (April 23)

<sup>15</sup> “United States Courts Opinion: United States District Court for the Western District of Tennessee: 23-2527 - Black Farmers Agriculturalists Association, Inc et al v. Vilsack et al.” Pakistan Law Reporter, January 6, 2024. Gale Academic OneFile Select (accessed July 21, 2025). <https://link.gale.com/apps/doc/A778565098/EAIM?u=anon~686de78a&sid=sitemap&xid=161e4809>.

<sup>16</sup> Footnote: Michael Shulman, “Inequities Persist Among American Women Farmers, Research Finds,” American Farmland Trust Blog, January 10, 2024, accessed July 28, 2025, <https://farmland.org/blog/inequities-persist-among-american-women-farmers-research-finds>.

rural economies, community health, and the long-term viability of those who feed their hometowns.

We request that you answer the questions below and provide a written response outlining the Department's plan to protect the economic viability of historically underserved farmers and uphold USDA's commitment to fairness:

1. The rule states that "USDA, going forward, lacks a compelling interest in redressing instances of historical discrimination because of the progress achieved through USDA's extensive settlement processes and structural reforms." How did USDA arrive at this finding? Please provide the entire administrative record for this finding including all information, analysis, documentation and other support used to make this finding.
2. The rule states that "This rule has been determined to be significant for the purposes of Executive Order 12866 and was submitted to the Office of Information and Regulatory Affairs for review." Please provide the entire administrative record for this determination including all information, analysis, documentation and other material submitted to the Office of Information and Regulatory Affairs as well as the review and any additional information or findings shared by the Office of Information and Regulatory Affairs in response.
3. The rule states that the provisions of the Regulatory Flexibility Act are not applicable to this final rule because USDA was not required to publish notice. Please provide the entire administrative record for this finding including all information, analysis, documentation and other support used to make this finding with respect to the Regulatory Flexibility Act as well as any other laws, as mentioned in the rule.
4. Please clarify the extent of stakeholder engagement the U.S. Department of Agriculture conducted prior to the finalizing this rule, particularly for communities historically impacted by systemic inequities in agriculture? Additionally, what steps did the Department take to ensure affected stakeholders had a meaningful opportunity to provide input before the rule was finalized?
5. Will USDA continue to publish annually the Section 5413 Report required by the 2018 Farm Bill?
6. In light of the changes made by this rule, who within USDA is responsible for addressing compliance with the Equal Credit Opportunity Act in loan programs, and for monitoring and assuring for equal access to loans, commodity and other farm programs, conservation programs, disaster assistance, risk management, and technical assistance programs for all farmers, including any changes resulting from the implementation of this rule? How will that accountability be reported to Congress and the public?
7. For each of the programs discussed in the USDA's final rule on "Removal of Unconstitutional Preferences Based on Race and Sex," please provide data to the state and county level comparing the number of program participants compared to the number of applicants, broken down by race, ethnicity, gender, and farm size as of Sept 30, 2024, compared to Sept 30, 2025.
8. Please provide the number of complaints of race, ethnicity, and gender discrimination in USDA programs received by the agency between January 2015 and today, and data on how these complaints were resolved, including the number and proportion resolved in favor of the complainant?

9. In 2019, during the first Trump Administration, the Government Accountability Office (GAO) published a report titled, “AGRICULTURAL LENDING Information on Credit and Outreach to Socially Disadvantaged Farmers and Ranchers Is Limited, GAO-19-539”. In the report, the GAO noted that a review of USDA data revealed that, “[Socially disadvantaged farmers and ranchers] received proportionately fewer loans and less agricultural credit overall than non-SDFRs.” What structural reforms at the USDA have taken place since the publication of this report that remedied this issue and was this case considered in the Department’s determination that it now “lacks a compelling interest in redressing instances of historical discrimination because of the progress” achieved by the USDA? Please provide the entire administrative record, if any, of this finding including all information, analysis, documentation and other support used to make this finding.  
[https://static.ewg.org/reports/2021/BlackFarmerDiscriminationTimeline/2019\\_GAO-Report.pdf](https://static.ewg.org/reports/2021/BlackFarmerDiscriminationTimeline/2019_GAO-Report.pdf)
10. Based on reporting by the Farm Bill Law Enterprise, 99.4% of funds provided by the first Trump administration farmer relief program, the Market Facilitation Program, went to farms owned by non-Hispanic white operators. Given that this does not match the demographics of the U.S. farming community, what structural reforms have been undertaken by USDA to determine that there isn’t any discrimination occurring when the Department distributes future farm bailout funds?  
<https://www.farmbilllaw.org/2019/07/24/usda-gave-almost-100-percent-of-trumps-trade-war-bailout-to-white-farmers/>

Sincerely,



Lisa Blunt Rochester  
United States Senator



Cory A. Booker  
United States Senator



Raphael Warnock  
United States Senator



Angela D. Alsobrooks  
United States Senator