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Racial Equity in U.S. Farming: Background in Brief

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Introduction

Congress has enacted numerous policies that aim to support farmers of color (see "Terminology" text box) and other historically underserved farmers and has demonstrated an interest in monitoring race and ethnicity in U.S. farming and U.S. Department of Agriculture (USDA) programs. Enacted policies include establishing outreach programs, setting target participation rates in certain USDA programs, requiring USDA to report on socially disadvantaged farmer and rancher (SDFR) program participation, and establishing various advisory offices and committees. For background on these policies, see CRS Report R46727, *Defining a Socially Disadvantaged Farmer or Rancher (SDFR): In Brief*, by Renée Johnson. Congress also provides funding and oversight for the U.S. Census of Agriculture as well as other USDA surveys and reports that collect race and ethnicity data on U.S. farming.

Congressional attention to racial equity in U.S. farming and USDA programs has continued in the 116th and 117th Congresses. In addition, the Biden Administration has prioritized racial equity consideration in federal policies and programs. This report reviews federal data on racial and ethnic trends in the U.S. farmer population and U.S. farmland ownership. It also summarizes research on certain factors that may have contributed to these trends since the early 20th century. This information aims to provide historical background for ongoing policy debates on racial equity in U.S. farming.

Terminology

Racial equity. The White House and USDA have defined *equity* in recent publications as

> the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

This report focuses on equity with respect to race and ethnicity.

Farmers of color. This report discusses data and analyses from numerous federal, academic, and other sources across many decades. This report follows the terminology in source documents, and racial and ethnic terminology may vary across sources. Congress and USDA have used the term *socially disadvantaged farmer or rancher (SDFR)* to refer to a farmer or rancher who is a member of a group whose members have been subjected to racial or ethnic discrimination (7 U.S.C. §2279); in some cases, Congress and USDA have included gender discrimination when defining SDFR (7 U.S.C. §2003). To avoid confusion between these two definitions of SDFR, this report uses the term *farmers of color* when referring collectively to non-White farmers and farmers of Latino ethnicity.

Sources: USDA, "Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA," 86 *Federal Register* 32013, June 15, 2021; and White House, "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," presidential actions, January 20, 2021.

Farmers and Farmland Ownership: Data

Throughout the last century, federal reports, academics, and other sources have identified and described the decline in farmers of color and disparities in farmland ownership between White farmland owners and farmland owners of color.[1] The Census of Agriculture, the major federal

[1] See, for example, Pamela Browning et al., *The Decline of Black Farming in America*, U.S. Commission on Civil Rights, February 1982, at https://www2.law.umaryland.edu/marshall/usccr/documents/cr11b562z.pdf (hereinafter Browning et al., *The Decline of Black Farming*, 1982); Megan Horst and Amy Marion, "Racial, ethnic, and gender

survey of U.S. agricultural production, has been conducted periodically since 1880—first by the U.S. Census Bureau and later by USDA. Census data are available for five racial groups: American Indian or Alaska Native, Asian, Black, White, and other races, beginning in 1900.[2] The Census of Agriculture has collected data for one ethnic group: Spanish, Hispanic, or Latino. Census of Agriculture data indicate that racial diversity in the U.S. farming population decreased between 1900 and 1997.[3] According to Census data, the percentage of White farmers increased, and the percentage of farmers of color decreased from 1900 to 1997. Racial diversity among farmland owners decreased between 1910 and 1997, with an increase in the percentage of White farmland owners and a decrease in the percentage of farmland owners of color. The following sections summarize available Census data on U.S. farmer and U.S. farmland owner populations by race.

Trends in the U.S. Farmer Population

The total number of farmers in the United States declined by 67% between 1900 and 1997, according to USDA data (**Table 1**). The rate of population change varied among racial groups. The number of Black farmers declined by 98%, the steepest decline for any race. The number of White farmers declined by 62%, and the number of American Indian farmers declined by 47%. The number of Asian farmers increased by over 600%, and the number of farmers of Spanish, Hispanic, or Latino ethnicity increased by over 100%. For additional detail, see the **Appendix**.

Table 1. U.S. Farmers by Race and Ethnicity, Selected Years

Race	1900	1997	% change, 1900-1997
Asian	1,139	8,731	667%
Black	746,715	18,451	-98%
American Indian	19,910	10,638	-47%
White	4,969,608	1,864,201	-62%
Total, All Races	**5,737,372**	**1,911,859**	**-67%**
Ethnicity	**1920**	**1997**	**% change, 1920-1997**
Spanish, Hispanic, or Latino	12,142	27,717	128%

Source: Table prepared by CRS using U.S. Census of Agriculture data for selected years.

Notes: Changes in Census methodology may affect comparability of data over time. In 2002, USDA began collecting data on up to four farmers per farm; previously, USDA collected data on one farmer per farm. This

inequities in farmland ownership and farming in the U.S.," *Agriculture and Human Values*, vol. 36, no. 1 (March 2019), pp.1-16, at https://doi.org/10.1007/s10460-018-9883-3 (hereinafter Horst and Marion, "Racial, ethnic, and gender inequities," 2019); Holly Rippon-Butler, *Land Policy: Towards a More Equitable Farming Future*, National Young Farmers Coalition, December 2020, at https://www.youngfarmers.org/land/wp-content/uploads/2020/11/LandPolicyReport.pdf; and U.S. Department of Agriculture (USDA), *Civil Rights at the U.S. Department of Agriculture: A Report by the Civil Rights Action Team*, 1997, at https://static.ewg.org/reports/2021/BlackFarmerDiscriminationTimeline/1997-crat-report.pdf (hereinafter USDA, *1997 Civil Rights Report*).

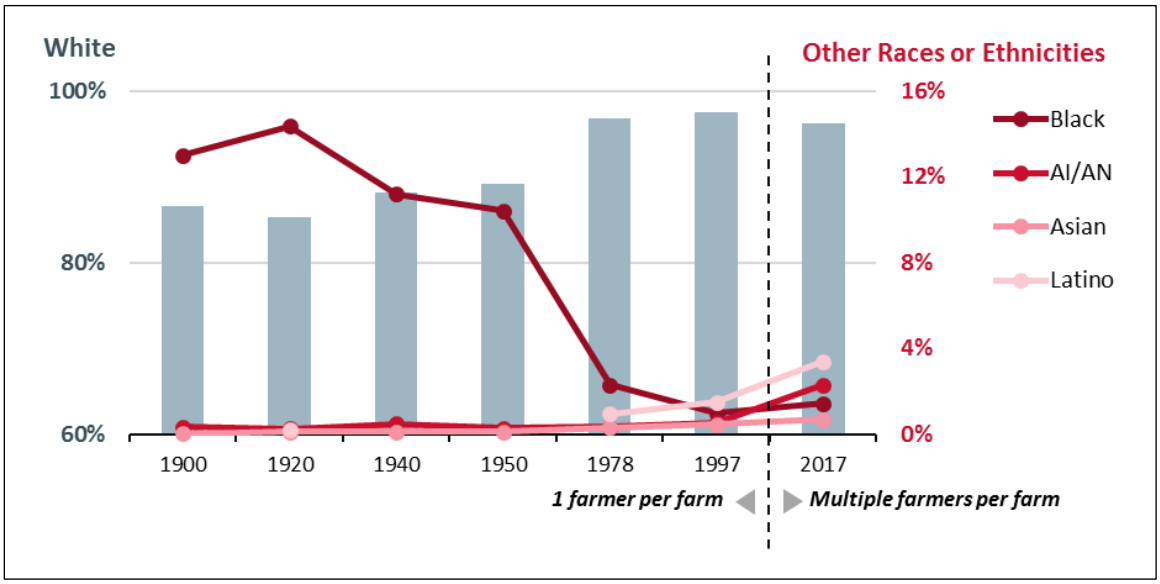
[2] The Census of Agriculture methodology has changed over time, including changes to the definition of *farm*, adjustments for potential undercounting of small farms, and race categories. In 2002, USDA added Native Hawaiian and Pacific Islander as a new race category. This category is not included here due to lack of available historical data.

[3] In 2002, USDA began collecting data on up to four farmers per farm; previously, USDA collected data on one farmer per farm. Data from 1997 are used for most historical trends in this section because they are the most recent data comparable to historical data.

table uses 1997 data, as they are the most recent data comparable to historical data. Data on Spanish, Hispanic, or Latino ethnicity are not available for 1900. Between 1978 and 1997, the "Asian" category included Pacific Islander. In 2002, USDA created a new racial category for "Native Hawaiian and Pacific Islander."

Data on the proportion of U.S. farmers by race demonstrate how the farming population's racial makeup has changed over time. Between 1900 and 2017, the percent of all U.S. farmers who identify as White increased from 87% to 96% (**Figure 1**). Meanwhile, the proportion of Black farmers declined from 13% of farmers in 1900 to 1.4% in 2017. The proportion of U.S. farmers who identify as American Indian or Alaska Native increased from less than 1% in 1900 to 2.3% in 2017. Asian farmers remained roughly constant during the same period at less than 1% of farmers. Farmers of Spanish, Hispanic, or Latino ethnicity increased from less than 1% of all farmers in 1920 to 3.4% in 2017.[4]

Figure 1. Race and Ethnicity in the U.S. Farmer Population, 1900-2017



Source: Figure created by CRS using U.S. Census of Agriculture data for selected years.

Notes: In 2002, USDA began collecting data on up to four farmers per farm; previously, USDA collected data on one farmer per farm. Increases in farmers between 1997 and 2017 may be due to this increase in the total number of farmers included in the Census. AI/AN = American Indian or Alaska Native. Before 2002, this category was "American Indian," and there was no Alaska Native category. Data for Latino farmers include farmers who identify as of Spanish, Hispanic, or Latino origin. Ethnicity data are not available for 1900, 1940, and 1950. Between 1978 and 1997, the "Asian" category included Pacific Islander. In 2002, the Census created a new "Native Hawaiian and Pacific Islander" category, which is not included here due to lack of available historical data. Blue bars (left axis) show the proportion of White farmers; red lines (right axis) show the proportion of farmers of other races and ethnicities.

Trends in U.S. Farmland Ownership

Farmland ownership is a major component of farm wealth. Farmland can contribute to wealth accumulation as the price of farmland increases, be used as collateral for obtaining credit, and provide financial stability for farmland owners. Farm real estate value (the value of farmland and structures) increased from an average of $1,024 per acre in 1970 to $3,160 per acre in 2020, when

[4] USDA data on farmers of Spanish, Hispanic, or Latino ethnicity are available for some, not all, Census years between 1900 and 2017.

adjusted for inflation.[5] In 2020, farm real estate accounted for roughly 83% of the value of U.S. farm assets.[6] Although farmland ownership can increase farm wealth over time, it also may carry risks, particularly for beginning farmers or during economic recessions.[7] Beginning farmers are more likely to have higher debt-to-equity ratios than other farmers and fewer assets to liquidate, if needed, to meet loan obligations. Farmers who rent land may face rent increases, land sales, or other changes to land over which they have no control.

Although historical data on farmland ownership by race are limited, making it difficult to determine farmland ownership trends among individual racial or ethnic groups,[8] the Census of Agriculture has collected data on land ownership among farmers for over a century. Between 1910 and 1997, White farmers comprised an increasing proportion of farmers who owned all or part of their farmland (**Figure 2**). Approximately 94% of farmers who owned farmland were White in 1910, and 98% were White in 1997. Over this same period, Black farmers comprised a decreasing proportion of farmers who owned farmland, from an estimated 5.5% in 1910 to 1% in 1997. Farmland ownership remained relatively constant for farmers identifying as American Indian or as Asian or Pacific Islander, with each group comprising less than 1% of farmers who owned farmland in 1910 and in 1997.[9]

Trends in *farmland renters*—farmers who rented the land that they farmed—also varied during this period. The proportion of White farmland renters increased from 72% in 1910 to 96% in 1997. The proportion of Black farmland renters declined during this same period, from 28% to 1%. The proportion of Asian or Pacific Islander farmland renters increased slightly, from less than 1% of farmland renters in 1910 to roughly 1.2% in 1997. American Indian farmers comprised less than 1% of farmland renters in 1910 and in 1997. These land ownership and renting trends are consistent with trends in the racial makeup of farmers, particularly the increase in White farmers and decline in Black farmers (see **Figure 1**).

[5] USDA Economic Research Service (ERS), "Farm Sector Income & Finances: Farmland Value," at https://www.ers.usda.gov/topics/farm-economy/land-use-land-value-tenure/farmland-value/.

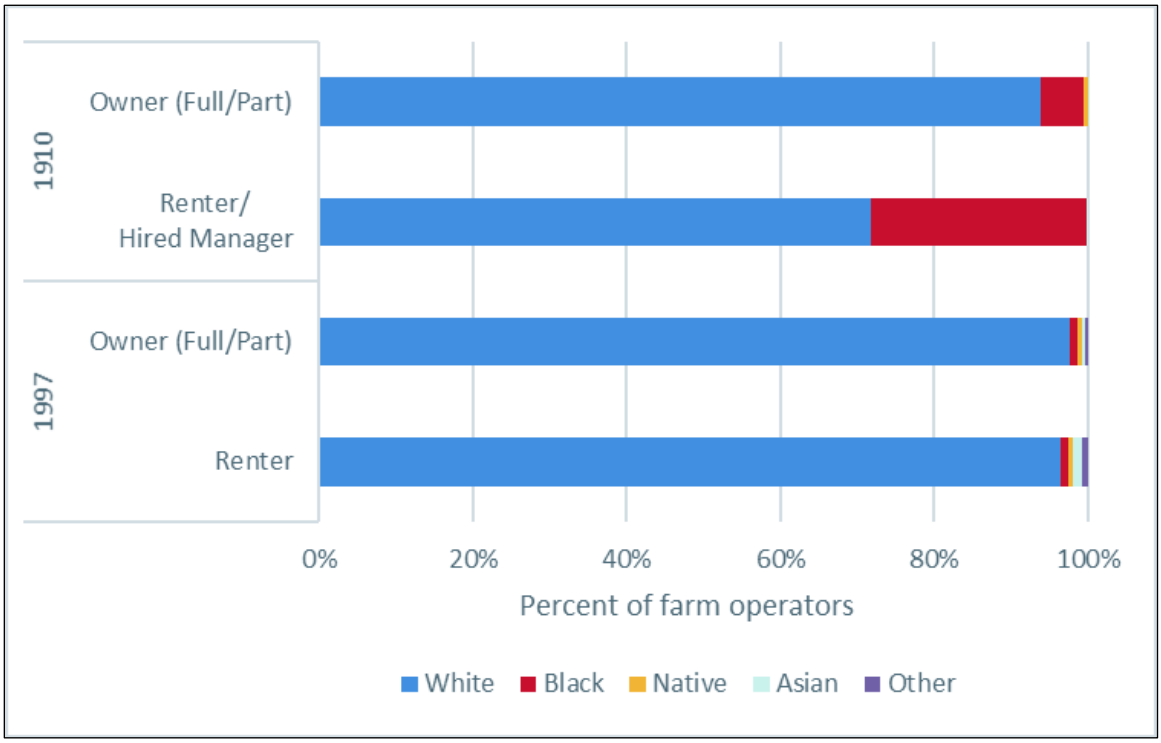
[6] USDA ERS, "Farm Sector Income & Finances: Assets, Debt, and Wealth," at https://www.ers.usda.gov/topics/farm-economy/farm-sector-income-finances/assets-debt-and-wealth/.

[7] Nathan S. Kauffman, "Credit Markets and Land Ownership for Young and Beginning Farmers," *Choices Magazine*, Quarter 2, 2013, at http://choicesmagazine.org/choices-magazine/theme-articles/transitions-in-agriculture/credit-markets-and-land-ownership-for-young-and-beginning-farmers.

[8] The Census of Agriculture collects data on land tenure for farmland owners who operate (farm) their land but not on farmland owners who rent land and do not farm it. Additionally, changes in racial categories and other methodology may present challenges to comparing data over long periods.

[9] The 1910 Census of Agriculture did not include "Asian or Pacific Islander" as a racial category. The 1910 data for Asian or Pacific Islander farmers cited here include data for non-White farmers who identified as Japanese or Chinese.

Figure 2. Land Tenure of Farmers by Race, 1910 and 1997



Source: Figure created by CRS using data from "Farm Statistics by Race, Nativity, and Sex of Farmer," in U.S. Census Bureau, *1920 Census of Agriculture*, Table 4; and USDA National Agricultural Statistics Service (NASS), *1997 Census of Agriculture*, vol. 1, part 51, Tables 17 and 46.

Notes: In 2002, USDA changed their Census of Agriculture methodology from collecting data on one farmer per farm to collecting data on up to four farmers per farm. Thus, 1997 census data are used here as they are more comparable to 1910 data than more recent Census data. For 1910 data, nonowners included farmers who rented land or worked as hired managers. For 1997 data, nonowners included farmers who rented land. According to NASS, the "other" race category in 1997 included mostly farmers of Caribbean, Mexican, or Central or South American descent. The 1910 Census did not include an "other" race category.

Farmers and Farmland Ownership: Discussion

Research, including journal articles and federal reports, has suggested potential factors that may have contributed to the declines in the number of farmers of color and in farmland ownership among farmers of color. Some of these factors include the structure of USDA programs; discrimination against farmers of color by USDA, lending institutions, and landowners; lack of legal land title; and broader trends in agriculture, including mechanization and consolidation. The sections that follow summarize some of the historical research about these issues.

USDA Program Structure

Historically, USDA has administered a range of programs to assist farmers, including farm safety net programs; farm ownership and operation programs; and outreach programs specifically targeted to socially disadvantaged, veteran, and beginning farmers and ranchers.[10] USDA also has

[10] For more information on these programs, see CRS Report R46727, *Defining a Socially Disadvantaged Farmer or Rancher (SDFR): In Brief*, by Renée Johnson; CRS In Focus IF11163, *2018 Farm Bill Primer: The Farm Safety Net*, by Randy Schnepf; and CRS Report R46768, *Agricultural Credit: Institutions and Issues*, by Jim Monke.

supported research and extension activities that provided education, training, and technical assistance to farmers. Some scholars and stakeholders have argued that the structure of some USDA programs aligned with largescale farming to the detriment of farmers of color, who were more likely than White farmers to operate smaller farms.[11] Given that farmers of some racial or ethnic groups were more likely to operate smaller farms, grow specialty crops, or transfer knowledge and information orally rather than keeping detailed paper records, these stakeholders asserted that those farmers experienced more barriers than White farmers to accessing some USDA programs.

For example, one study found that some immigrant Latino farmers have had difficulty accessing certain USDA programs because of program requirements to grow certain crops or plant crops on certain schedules that did not align with the specialty crops they farmed.[12] A 1997 USDA report highlighted that in the Farm Service Agency (FSA), "county loan officers are rewarded based on the total number of acres served by program dollars, for having low default rates, and for dispensing all of the funds allocated to them—a performance system that rewards service to large, financially sound producers while working against small and minority farmers."[13] Some analyses have found that farmers of color participated in USDA programs at lower rates than White farmers compared with their representation in the U.S. farmer population or received less in average financial assistance from USDA programs than White farmers.[14] Other analyses have found little difference in program participation between farmers of color and White farmers.[15]

Determining target participation rates for racial groups presents challenges. The Census of Agriculture's definition of *farm* has changed over time but typically has included minimum annual sales, minimum acreage, or both. This definition excludes very small farms and may have undercounted farmers of certain racial groups who were historically more likely to operate very small farms.[16] Some stakeholders have argued that setting target rates for program participation based on Census of Agriculture data may result in artificially low target participation rates for farmers of certain racial groups, thereby influencing actual participation.[17] If farmers of color participated in USDA programs at lower rates than White farmers, as some analyses have concluded, one reason for this could be that farmers of color have historically operated smaller farms and had less collateral, on average, than White farmers. These factors may make it difficult

[11] See, for example, Browning et al., *The Decline of Black Farming*, 1982, pp. 59-60; Pete Daniel, *Dispossession: Discrimination Against African American Farmers in the Age of Civil Rights* (Chapel Hill, NC: The University of North Carolina Press, 2013) (hereinafter Daniel, *Dispossession*, 2013); Hezekiah S. Jones, "Federal Agricultural Policies: Do Black Farm Operators Benefit?," *The Review of Black Political Economy*, vol. 22, no. 4 (Spring 1994), at https://doi.org/10.1007%2FBF02689978 (hereinafter Jones, "Federal Agricultural Policies," 1994); Laura-Anne Minkoff-Zern and Sea Sloat, "A new era of civil rights? Latino immigrant farmers and exclusion at the United States Department of Agriculture," *Agriculture and Human Values*, vol. 34, no. 3 (September 2017), at https://doi.org/10.1007/s10460-016-9756-6 (hereinafter Minkoff-Zern and Sloat, "A new era of civil rights?," 2017).

[12] Minkoff-Zern and Sloat, "A new era of civil rights?," 2017.

[13] USDA, *1997 Civil Rights Report*, p. 8.

[14] Browning et al., *The Decline of Black Farming*, 1982; Jones, "Federal Agricultural Policies," 1994; and Minkoff-Zern and Sloat, "A new era of civil rights?," 2017.

[15] Cesar Escalante, "Looking Beyond Farm Loan Approval Decisions: Loan Pricing and Nonpricing Terms for Socially Disadvantaged Farm Borrowers," *Journal of Agricultural and Applied Economics*, vol. 50, no. 1 (2018), at https://doi.org/10.1017/aae.2017.25; and USDA, *Report of the USDA Task Force on Black Farm Ownership*, September 1983, at https://naldc.nal.usda.gov/catalog/17605 (hereinafter USDA, *1983 Black Farm Ownership Report*).

[16] See Browning et al., *The Decline of Black Farming*, 1982; and USDA, *1983 Black Farm Ownership Report*, p. 9.

[17] Browning et al., *The Decline of Black Farming*, 1982; and Renita W. Marshall, "The Impact of the Extension Service on Minority-Owned Small Farm Operations," *Journal of Extension*, vol. 50, no. 1 (February 2012), at https://archives.joe.org/joe/2012february/comm1.php.

for farmers of color to qualify for, or have the resources to apply for, certain USDA programs. However, some farmers of color have argued, "previous discrimination in USDA programs has helped to produce these very conditions now used to explain disparate treatment."[18]

Allegations of Discrimination

Many scholars and stakeholder groups have attributed part of the decline in farms owned and operated by farmers of color to prolonged discrimination against farmers of color, including by USDA, lending institutions, and landowners.[19] Historical literature includes numerous examples of farmers of color denied loans and subject to more stringent loan and land sale terms than White farmers, as well as landowners refusing to sell land to creditworthy farmers of color.[20] A 1997 USDA report noted that while the details varied, numerous farmers of color experienced similar discrimination when applying for FSA farm operating loans. Examples included FSA county offices claiming to have no applications or program funding, not assisting farmers of color with filling out complex applications, failing to process loan applications, or delaying application processing until well after planting season, thus causing farmers to miss their planting windows.[21] For decades, many farmers of color have asserted that USDA lost or delayed their loan applications or that they did not apply for USDA assistance because of stories of widespread USDA discrimination and retaliation.[22]

Farmers who felt that USDA discriminated against them could file civil rights complaints. However, the Government Accountability Office, USDA Office of Inspector General (OIG), and others have highlighted disorganization and a lack of accountability at USDA's civil rights offices.[23] These reports consistently found issues such as slow processing of complaints, lack of recordkeeping and tracking of complaints, and lack of accountability for USDA employees found to have discriminated against applicants or program participants.[24] In 2000, USDA OIG found that USDA's central civil rights office had made little progress in improving operations despite six prior OIG reports that raised such concerns and made recommendations for addressing them. The report stated that unless USDA's central civil rights office "implements a management plan that addresses effective leadership, changing organizational culture, customer focus, and process

[18] USDA, *1997 Civil Rights Report*, p. 22.

[19] See, for example, "Historical Background" and "Current Conditions Affecting Black Farmers," in Browning et al., *The Decline of Black Farming*, 1982; Daniel, *Dispossession*, 2013; Jess Gilbert, Gwen Sharp, and M. Felin, "The Loss and Persistence of Black-Owned Farms and Farmland: A Review of the Research Literature and Its Implications," *Journal of Rural Social Sciences*, vol. 18, no. 2 (2002), at https://egrove.olemiss.edu/jrss/vol18/iss2/1/ (hereinafter Gilbert, Sharp, and Felin, "The Loss and Persistence of Black-Owned Farms," 2002); and USDA, *1997 Civil Rights Report*, p.30.

[20] "Historical Background" and "Current Conditions Affecting Black Farmers," in Browning et al., *The Decline of Black Farming*, 1982; Daniel, *Dispossession*, 2013; Gilbert, Sharp, and Felin, "The Loss and Persistence of Black-Owned Farms," 2002, pp. 10-12.

[21] USDA, *1997 Civil Rights Report*, pp. 15-16.

[22] See USDA, *1997 Civil Rights Report*; U.S. Government Accountability Office (GAO), *Agricultural Lending, Information on Credit and Outreach to Socially Disadvantaged Farmers and Ranchers Is Limited*, GAO-19-539, July 2019, p. 29.

[23] Emma Scott et al., *Supporting Civil Rights at USDA: Opportunities to Reform the USDA Office of the Assistance Secretary for Civil Rights*, Harvard Food Law and Policy Clinic, April 2021, at https://www.chlpi.org/wp-content/uploads/2013/12/FLPC_OASCR-Issue-Brief.pdf. See GAO, *USDA: Problems Continue to Hinder the Timely Process of Discrimination Complaints*, GAO-99-38, January 1999; GAO, *USDA: Management of Civil Rights Efforts Continues to Be Deficient Despite Years of Attention*, GAO-08-755T, May 14, 2008; and USDA Office of Inspector General (OIG), *Report For The Secretary On Civil Rights Issues - Phase I*, no. 50801-2-Hq(1), February 1997.

[24] Ibid.

reengineering, we question whether future complaints of discrimination in the distribution of program benefits will receive due care."[25] A September 2021 USDA OIG report found that USDA had acted to address some recommendations in prior OIG and GAO reports. However, USDA OIG also found that USDA's central civil rights office "did not timely process civil rights program complaints" and that some resolved complaints were not adequately supported or processed.[26] The 2021 report also recommended that the civil rights office strengthen its oversight of USDA agencies and assess progress toward established goals and objectives.

A number of sources, including USDA reports, have identified discrimination as a contributor to the decline in the number of farmers of color, or loss of land and income among farmers of color.[27] A 1997 USDA report stated, "minority farmers have lost significant amounts of land and potential farm income as a result of discrimination by FSA programs and the programs of its predecessor agencies"[28] Between 1990 and 2010, USDA settled multiple lawsuits alleging that USDA discriminated against farmers on the basis of race or national origin. These include lawsuits brought by Black farmers (*Pigford v. Glickman* and *In re Black Farmers*); Native American farmers (*Keepseagle v. Vilsack*), and Latino farmers (*Garcia v. Vilsack*).[29] Data on the total damages awarded in these four settlements are difficult to obtain and verify, but USDA provided at least $3.2 billion in payments and other relief to farmers of color to settle these lawsuits.[30]

Lack of Legal Land Title

Some farmers lack a clear title to or documented legal ownership of the land they farm. Research has suggested that this issue may have contributed to land loss among farmers of color, in particular Black farmers and Native American farmers.[31] *Heirs' property* is property inherited by multiple descendants of a deceased person in the absence of a will. When heirs' property is passed down to descendants, the land is not divided among the heirs. Instead, heirs inherit a

[25] USDA OIG, *Office of Civil Rights Status of the Implementation of Recommendations Made in Prior Evaluations of Program Complaints*, no.60801-4-Hq, March 2000, p.2.

[26] USDA OIG, "USDA Oversight of Civil Rights Complaints," no. 60601-0001-21, September 22, 2021, at https://www.usda.gov/oig/audit-reports/usda-oversight-civil-rights-complaints.

[27] See, for example, Browning et al., *The Decline of Black Farming*, 1982; Daniel, *Dispossession*, 2013; Gilbert, Sharp, and Felin, "The Loss and Persistence of Black-Owned Farms," 2002, pp. 9-12; USDA, *1997 Civil Rights Report*; and USDA, *A Time to Act: A Report of the USDA National Commission on Small Farms*, January 1998, p. 26.

[28] USDA, *1997 Civil Rights Report*, p. 30.

[29] See Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999); In Re Black Farmers, 820 F. Supp. 2d 78 (D.D.C. 2011); Keepseagle v. Vilsack, 815 F.3d 28 (D.C. Cir. 2016); and Garcia v. Vilsack, 563 F.3d 519 (D.C. Cir. 2009), cert. denied, 558 U.S. 1158 (2010).

[30] Calculated by CRS using Monitor's Final Report on Good Faith Implementation of the Consent Decree and Recommendation for Status Conference, Pigford v. Glickman, April 1, 2012, p. 1, at https://media.dcd.uscourts.gov/pigfordmonitor/reports/Rpt20120331_final.pdf; "Background Information," at https://www.blackfarmercase.com/Background.aspx; Stephen Carpenter, "The USDA Discrimination Cases: Pigford, In Re Black Farmers, Keepseagle, Garcia, and Love," *Drake Journal of Agricultural Law*, vol. 17, no. 1 (2012), p. 21; and USDA, *USDA Status Report*, June 8, 2015, at https://www.clearinghouse.net/chDocs/public/FH-DC-0010-0016.pdf.

[31] Federation of Southern Cooperatives/Land Assistance Fund (FSC/LAF) and Alcorn State University, *Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region*, 2018, at https://d787394e-a354-4150-bcbe-fc86ac15e999.filesusr.com/ugd/dc293f_224ddd9bd8d94bdd9f84f4e8cb189bfd.pdf; John Schelhas, Sarah Hitchner, and Alan McGregor, "The Sustainable Forestry and African American Land Retention Program," in *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment*, eds. Cassandra Gaither et al., (Ashville, NC: Southern Research Station, 2019), at https://www.srs.fs.usda.gov/pubs/58543 (hereinafter Gaither et al., *Heirs' Property and Land Fractionation*, 2019).

fractional interest in the land, meaning that all heirs collectively own the entire parcel of land.[32] Heirs' property is not exclusive to farmland and is particularly common in historically Black communities in the South, Native American communities, communities in the Appalachian region, and *colonias*.[33] Native American farmers also may lack legal title to farmland held in trust by the federal government.[34]

Heirs' property presents numerous challenges to landholders. When one holder of heirs' property wishes to sell the land, that holder can force a sale of the entire parcel—known as a partition sale.[35] In addition, heirs' property may make it difficult for landholders to use their land as collateral for obtaining credit or certain federal assistance, as some lenders and federal programs require the applicant to document legal ownership of their land. For these and other reasons, some research suggests that heirs' property has contributed to land loss among farmers of certain racial groups.[36]

Congress has addressed heirs' property in recent farm bills. In the 2014 farm bill (P.L. 113-79, §5402), Congress authorized USDA to assist farmers in purchasing land held jointly by many heirs. In the 2018 farm bill (P.L. 115-334, §5104 and §12615), Congress created a new loan program to support farmers with heirs' property and addressed eligibility of heirs' property holders for certain USDA farm programs. Although these programs may assist farmers who lack legal title to their land, these farmers may face legal challenges related to succession issues or land sales.

Broad Trends in U.S. Agriculture

Since the early 1900s, technological innovation, such as the use of tractors and the development of inexpensive fertilizers and pesticides, has led to a decrease in the total number of farms and an increase in the average acreage per farm. USDA reports that between 1900 and 2005, the total number of farms decreased by 63%, while the average farm size increased by 67%.[37] Although extensive research on the impacts of technological innovation on U.S. agriculture exists, research on the racial or ethnic impacts of these innovations is limited. Some research has attributed part of the decline in farming and farmland ownership among farmers of color to mechanization and consolidation.[38]

Some scholars and at least one USDA report assert that although mechanization affected farms of all sizes, it had greater impacts on small farms that were less able to invest in new technologies and inputs. Since farmers of color, on average, owned or operated smaller farms, this research

[32] Thomas W. Mitchell, "Historic Partition Law Reform: A Game Changer for Heirs' Property Owners," in Gaither et al., *Heirs' Property and Land Fractionation*, 2019 (hereinafter Mitchell, "Historic Partition Law Reform").

[33] *Colonia* communities are areas in the Southwest that lack access to certain services, including potable water, septic or sewer systems, electricity, or paved roads.

[34] GAO, *Indian Issues: Agricultural Credit Needs and Barriers to Lending on Tribal Lands*, GAO-19-464, 2019, at https://www.gao.gov/products/gao-19-464.

[35] Mitchell, "Historic Partition Law Reform."

[36] FSC/LAF and Alcorn State University, *Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region*; and Gaither et al., *Heirs' Property and Land Fractionation*, 2019.

[37] Carolyn Dimitri, Anne Effland, and Neilson Conklin, *The 20th Century Transformation of U.S. Agriculture and Farm Policy*, USDA ERS, EIB-3, 2005, at https://www.ers.usda.gov/publications/pub-details/?pubid=44198.

[38] Liz Carlisle et al., "Securing the future of US agriculture: The case for investing in new entry sustainable farmers," *Elementa: Science of the Anthropocene*, vol. 7, no. 17 (May 2019), at https://doi.org/10.1525/elementa.356; Daniel, *Dispossession*, 2013; Horst and Marion, "Racial, ethnic and gender inequities," 2019, pp. 4-5; and USDA, *1983 Black Farm Ownership Report*.

contends that farmers of color were more likely to experience the negative impacts of mechanization.[39] For example, a 1983 USDA report on Black farm ownership assessed the impacts of mechanization since World War II: "Technological change is impersonal in its impacts; the effects of the post-War revolution in U.S. agriculture have been basically the same for all small operators, regardless of race. The difference is that blacks have been concentrated in the class of farming most adversely affected."[40]

Considerations for Congress

The 117th Congress continues to debate whether and how to support farmers of color. The American Rescue Plan Act (P.L. 117-2, §1005) provided "such sums as necessary" to USDA for debt relief to SDFRs who have outstanding loans under certain USDA farm loan programs.[41] It also provided $1.01 billion for outreach and assistance to SDFRs and for USDA to establish an equity commission to address racial equity issues within USDA and its programs (P.L. 117-2, §1006). The House Committee on Agriculture also held a hearing about the state of Black farmers in the United States in March 2021.[42]

As the 117th Congress debates these and other issues related to farmers of color, it may wish to monitor how USDA collects and reports data on race and ethnicity in U.S. farming and farmland ownership. Congress also may wish to provide oversight of the newly created equity commission and monitor how USDA responds to any recommendations made by the commission. As Congress looks to the next farm bill, it also may consider whether to amend existing programs or reporting requirements related to SDFRs, establish new programs or reporting requirements, or both.

[39] Daniel, *Dispossession*, 2013; Horst and Marion, "Racial, ethnic and gender inequities," 2019, pp. 4-5; and USDA, *1983 Black Farm Ownership Report*.

[40] USDA, *1983 Black Farm Ownership Report*, p. 14.

[41] Multiple farmers and interest groups have brought legal challenges against this debt relief. For more information, see CRS Legal Sidebar LSB10631, *The American Rescue Plan Act: Equal Protection Challenges*, by Christine J. Back and April J. Anderson.

[42] See U.S. Congress, House Agriculture Committee, *A Hearing to Review the State of Black Farmers in the U.S.*, 117th Cong., 1st sess., March 25, 2021, at https://agriculture.house.gov/calendar/eventsingle.aspx?EventID=2141.

Appendix. U.S. Farmer Population by Race and Ethnicity

Table 2. U.S. Farmer Population by Race and Ethnicity

Selected years, 1900-2017

Race/ Ethnicity	1900	1920	1940	1950	1978	1997	2017[a]
Race							
White	4,969,608	5,498,454	5,377,728	4,801,243	2,398,726	1,864,201	3,269,738
Asian	1,139	7,501	7,539	5,371	8,145	8,731	25,319
Black	746,715	925,708	681,790	559,980	57,271	18,451	48,697
Native	19,910	16,680	29,742	14,693	8,347	10,638	79,198
Other	n/a	n/a	n/a	605	6,153	9,838	5,296
Total, All Races	**5,737,372**	**6,448,343**	**6,096,799**	**5,382,162**	**2,478,642**	**1,911,859**	**3,399,834**
Ethnicity							
Latino	n/a	12,142	n/a	n/a	22,997	27,717	112,451

Source: Table prepared by CRS using Census of Agriculture data for selected years.

Notes: n/a = data not available. Changes in Census methodology may affect comparability of data over time. Data for Native farmers include American Indian and Alaska Native farmers. Prior to 2002, this category was termed "American Indian," and there was no Alaska Native category. Data for Latino farmers include farmers who identify as of Spanish, Hispanic, or Latino origin. Ethnicity data are not available for 1900, 1940, and 1950. Between 1978 and 1997, the "Asian" category included Pacific Islander. In 2002, the Census created a new "Native Hawaiian and Pacific Islander" category, which is not included here due to lack of available historical data.

a. In 2002, USDA began collecting data on up to four farmers per farm; previously, USDA collected data on one farmer per farm. Therefore, increases in farmers between 1997 and 2017 may be due to the increase in the total number of farmers included in the Census.

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