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Chairman

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March 25, 2021

Written Testimony of Philip J. Haynie III

Submitted to the House Committee on Agriculture

A Hearing to Review the State of Black Farmers in the U.S.

Chairman Scott, Ranking Member Thompson, and distinguished members of the Committee:

On behalf of the National Black Growers Council, thank you for the opportunity to testify at this important hearing today.

The National Black Growers Council consists of multigenerational producers who advocate for the interests of Black farmers in their local communities, their states, and to the federal government. NBGC's mission is simple: to improve the efficiency productivity and sustainability of Black row crop farmers.

As members of NBGC, we own our farms and seek opportunities to expand our operations. We strive to teach young men and women about the virtues of farming, the importance of agriculture, and the commitment it takes to be successful in the global business of agriculture.

The NBGC was organized to represent the unique needs of full-time Black row crop farmers. We have formed partnerships with each other, with majority farmers, with land grant universities, with agricultural companies and with USDA, because together, we all contribute to global food security.

I am a fifth-generation farmer. I grew up working my family land with my father and grandfather in Eastern Virginia where we grow corn, wheat and soybeans. I had a childhood dream of wanting to be a farmer. I finished high school and studied agriculture in college. I graduated with a Bachelor's of Science degree in Agricultural Economics from Virginia Tech and chose to return to my family farming business.

While growing up on my family farm, as a kid I experienced two fires, the first one burned up our farrowing barn and our sow herd was lost. The second fire, burned up our equipment and a finishing barn. After my father rented the largest tract of land in the county, he experienced

his equipment being shot up on that farm. We had to sleep in the truck with a shotgun whenever we left equipment on that farm. No convictions resulted from these cowardly acts; but I don't think the perpetrators were black.

The discrimination at USDA caused my parents to have an unbelievable amount of stress when they were denied loans or were late receiving operating money. This unnecessary stress was created by the uncertainty of farming in that era, fueled by racism, and ultimately caused the divorce of my parents. The discrimination by USDA caused a lot of young black people to not want to be a part of their family's farms.

The discrimination caused irrevocable damage to black families.

While in college, I learned from one of my white friends about the beginning farmer loan program at USDA. My father and I went into my local county office to inquire about the beginning farmer loan. The county executive director in my local county office asked me why did I want to farm. He told me that I was a bright young man with a good head on my shoulders and that I should focus on finding a good job after college. When I questioned why he didn't encourage my white high school friend to get a job and offered him a farm loan but not me he got upset. He asked me if I knew how much money my father owed the USDA? When I replied no I did not he opened my father's file and showed me all of my father's USDA loans. After doing that, he brandished my father and I with a loaded hand gun that he had in his desk. This incident has caused me to have nightmares about being shot in that FSA office. He also told my father; he should sell his land to a white farmer in the county and get a job at the local lumber company driving a forklift. Mr. Chairman, this is not something that happened to my forefathers, or something that I read in the history books. This happened to me.

If I had not gone through that experience, I may not be able to relate to other black farmers and their stories of discrimination. But this is my story. And this is why I am here to make sure no other young black man or woman has to go through that experience again. Mr. Chairman some scars in life are irreversible and that is one that time cannot fade away.

Today's hearing is an important step towards addressing a number of longstanding problems that continue to plague Black farmers. These chronic problems formulate the cumulative effects of being historically denied and impact three critical areas of farm sustainability: income, access to credit, and risk management.

With regard to income, annual subsidies paid to Black farmers are significantly less than subsidies received by their White farming neighbors. Current subsidy options, Agricultural Risk Coverage (ARC) and Price Loss Coverage (PLC), are based primarily on the crops and yields grown on from 1981–1985, a period of admitted racial discrimination by USDA. Studies have shown that Black farmers receive less than 20% of the per acre amounts paid to their White farming neighbors. These inequities ultimately result in Black farmers being less profitable, which impacts the second critical area, access to credit.

This is especially true when commodity prices are low and subsidies comprise a larger portion of farmers' income. The combined effects of these inequities often result in Black farms being less productive and having to rely on low-risk, low-reward enterprises. For example, planting less profitable crops like soybeans, right beside our white neighbors, because we lack the improvements like irrigation, land-leveling and drainage that our white neighbors have who plant cotton, rice and corn. Even when we can make improvements needed to break this cycle, we face higher risks by only being able to obtain crop insurance at average production histories that span 10 years. To address these disparities, NBGC supports the following:

1. Provide credit needed to make improvements that would bring Black farmers' land on par with the production potential of their White neighbors;
2. Adjust Black farmers' subsidies to a level comparable to their neighbors; and
3. Automatically adjust Black farmers' production history and insurance coverage to an amount comparable to the farm's potential after improvements are completed.

Finally, Mr. Chairman, I wanted to highlight the ongoing issue of heirs' property rights impacting Black farmers. I mention this because Heirs' property, land owned by two or more people, often with a common ancestor who died without leaving a will, is the leading cause of involuntary land loss among Black farmers.

As we at NBGC have said before, land is a farmer's most valuable and productive asset. And yet, 60 percent of Black farmers today produce on property that has been passed through their families for generations without secure title. Without secure title, Black farmers are unable to leverage the full value of their land, including accessing Title I USDA programs. Black farmers have gone into local USDA offices and have been told they cannot sign a farm up for program participation because the farmer cannot provide all the signatures of heirs on the property. They offer the white farmer the option to provide a cash rent statement and not have to go through these obstacles. We need a system where USDA will work with us where the property is protected and benefits can be passed on to the operator.

In order to help address these outstanding issues, we and our partners at John Deere and the Thurgood Marshall College Fund launched the Legislation, Education, Advocacy, and Production Systems (or LEAP) Coalition in September 2020. In cooperation with the Federation of Southern Cooperatives and my colleague on this panel Mr. Blanding, the LEAP Coalition brings awareness, expertise, and legal resources to help Black and traditionally under-represented farmers gain clear title to their land.

Specific activities the LEAP Coalition will support include:

- Supporting legislation on Heirs' Property reform
- Partnering in efforts to clearing title for Black farmers
- Investing in Fellowships, Internships, and Agri-business career paths
- Engaging in estate planning to prevent the further proliferation of Heir's Property

- Amplifying the work of The Federation of Southern Cooperatives
- Raising awareness regarding the issues and challenges experienced by Black farmers
- Providing education and training to support Long-term Sustainability and Economic viability

After heir's property issues are cleared, NBGC plans to continue working within our networks to bring this land to maximum productivity. I want to thank our sustaining members for their support of this legislation and their continued commitment to help us achieve this goal.

In closing, it is clear that much work remains to address longstanding issues impacting Black farmers. We look forward to working with you and the Committee to address these issues moving forward, and I look forward to your questions.

PHILIP J. (P.J.) HAYNIE, III
Haynie Farms, LLC
Reedville, VA

Philip J. Haynie, III, more commonly known as P.J., graduated from Northumberland High School, Heathsville, Va., in June 1995. While in high school, Haynie served as vice president of his Future Farmers of America chapter and actively worked on his family farm in Reedville, Va. Haynie graduated from Virginia Tech with a Bachelor of Science degree in Agricultural and Applied Economics in May 1999. While attending Virginia Tech, he served as president of the Virginia Tech MANRRS (Minorities in Agriculture Natural Resources and Related Sciences) chapter. During his senior year at Virginia Tech, Haynie was initiated into Alpha Phi Alpha Fraternity, Incorporated.

After graduating from Virginia Tech, he chose to pursue his childhood dream and continue the family tradition of farming. Haynie, a fifth-generation farmer, currently owns and operates Haynie Farms, LLC, a grain farming business, producing corn, wheat, soybeans and canola throughout all four counties of the Northern Neck of Virginia. Haynie and his family also own and operate a transportation company specializing in food grade liquid bulk and dry bulk transportation, a timber harvesting company as well as a landscaping & excavating company. Haynie currently serves as Chairman of the National Black Growers' Council.

P.J. and his wife, Dr. Lisa Haynie, reside in Reedville, Va., with their three children, Colette, age 18; Philip, IV, age 17; and Trevor, age 12.

Committee on Agriculture
U.S. House of Representatives
Information Required From Nongovernmental Witnesses

House rules require nongovernmental witnesses to provide their resume or biographical sketch prior to testifying. If you do not have a resume or biographical sketch available, please complete this form.

1. Name: Philip J. Ayer III
2. Organization you represent: NBGC
3. Please list any occupational, employment, or work-related experience you have which add to your qualification to provide testimony before the Committee: I am a 5th generation farmer.
4. Please list any special training, education, or professional experience you have which add to your qualifications to provide testimony before the Committee: Graduated at Science from UT in Agricultural & Applied Economics
Farming for over 20 years
Chairman of NBGC
5. If you are appearing on behalf of an organization, please list the capacity in which you are representing that organization, including any offices or elected positions you hold: I serve as Chairman of NBGC

PLEASE ATTACH THIS FORM OR YOUR BIOGRAPHY TO EACH COPY OF
TESTIMONY.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Agriculture

Subcommittee: _____

Hearing Date: 03/25/2021

Hearing Title :

"A Hearing to Review the State of Black Farmers in the U.S"

Witness Name: Philip J. Hyatt

Position/Title: Chairman, National Black Farmers Council

Witness Type: ☐ Governmental ☒ Non-governmental

Are you representing yourself or an organization? ☐ Self ☒ Organization

If you are representing an organization, please list what entity or entities you are representing:

National Black Farmers Council

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

National / Black Farmers Council

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you, the organization(s) you represent, or entities for which you serve as a fiduciary have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

N/A

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you, the organization(s) you represent, or entities for which you serve as a fiduciary have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

N/A

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

☒ I have attached a written statement of proposed testimony.

☒ I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(iii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.