

Following the cloture votes, the Senate will resume consideration of the VA-HUD appropriations bill. Senators BOND and MIKULSKI reached an agreement yesterday which should bring the bill to a conclusion early today. We may be able to finish this morning or early afternoon.

In addition, today we may consider the nomination of MG Robert T. Clark to be a lieutenant general in the U.S. Army. This nomination will be considered under a 2-hour time limit which was agreed to last week.

Finally, I add that we will also be scheduling any conference reports that may become available. Rollcall votes will occur throughout the day today and Members will be notified as they are scheduled.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

THOMAS C. DORR TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT AND MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the nomination of Thomas C. Dorr, which the clerk will report.

The legislative clerk read the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development; and Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

The PRESIDENT pro tempore. Under the previous order, the time until 10:30 shall be divided equally between the chairman and ranking member of the Agriculture Committee or their designees.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume under the order.

As chairman of the Committee on Agriculture, I am pleased to announce that the committee acted favorably on the nomination of Thomas Dorr to be Under Secretary for the Department of Agriculture for Rural Development and has reported that nomination to the Senate. We understand that considerable debate time is planned to be used and so the leader decided to file a cloture on the nomination so we could bring this matter to a conclusion. We will have a vote on cloture after the debates. I hope the Senate will vote to cut off debate and we can move to a vote on this nomination and confirm Mr. Dorr in this job as Under Secretary of Agriculture.

Mr. Dorr has served capably under a recess appointment which was made by the President on August 9, 2002. The Senate committee reviewed his qualifications and found him to be well qualified. Hearings were held back in 2001 when the other party was in the majority and controlled the Senate Agriculture Committee. Opposition to the nomination of Mr. Dorr was expressed at that time, and the nomination was virtually blocked and returned to the President without being acted upon.

The President resubmitted that nomination, and it has languished, in effect, for a good while, while Senators who have been opposed to the nomination have expressed their concerns. It is clear that the nominee is very well qualified, not only because of his experience in business and his knowledge of rural America and the problems we face, but his understanding of the job at the Department of Agriculture which he has been asked to assume.

Mr. Dorr oversees the Department's rural development mission area that consists of three agencies, \$14 billion of annual funding authority for loans, grants and technical assistance to rural residents, communities and businesses, and an \$80 billion portfolio of existing infrastructure loans to rural America.

Rural development has over 7,000 employees across the United States, in Puerto Rico, the Virgin Islands, and the western Pacific trust territories. This is a big job. It is an enormous responsibility and requires someone with a business background and with administrative skills to manage an agency of this size.

Mr. Dorr has a broad base of experience to draw upon in agriculture, as well as financial and business experience. He has served as a member of the board of directors of the Seventh District Federal Reserve Bank of Chicago, the Iowa Board of Regents from 1991 to 1997, and as a member and officer of the Iowa and National Corn Growers Associations.

Prior to this appointment, Mr. Dorr was the president of a family agribusiness company consisting of corn and soybean farms, a State-licensed commercial grain elevator and warehouse, and two limited liability companies. Mr. Dorr is a graduate of Morningside College, has a BS degree in business administration, and he is from Marcus, IA. The support for the nomination is widespread. I ask unanimous consent that copies of letters endorsing his nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 3, 2003.

DEAR SENATOR: The below signed organizations urge you to vote in support of the confirmation of Thomas Dorr as Under Secretary of Rural Development, United States Department of Agriculture. The position of Under Secretary of Rural Development is critical in a number of ways to the success of rural America and agriculture communities.

Mr. Dorr has proven that he has the skill and experience necessary to lead USDA's Rural Development efforts. The Senate Committee on Agriculture, Forestry and Nutrition recognizes the importance of this position and favorably reported (14-7) Mr. Dorr's nomination in bipartisan fashion on June 18, 2003.

The confirmation of Mr. Dorr will allow these vital programs the greatest possibility of success. Mr. Dorr deserves an up or down vote in the United States Senate, we urge you to vote for his confirmation.

Sincerely,

American Farm Bureau Federation.

American Meat Institute.

American Soybean Association.

National Association of Wheat Growers.

National Cattlemen's Beef Association.

National Chicken Council.

National Corn Growers Association.

National Cotton Council.

National Milk Producers Federation.

National Pork Producers Council.

National Turkey Federation.

United Egg Association.

United Egg Producers.

United Fresh Fruits and Vegetables Association.

USA Rice Federation.

OFFICE FOR THE ADVANCEMENT
OF PUBLIC BLACK COLLEGES,

October 2, 2003.

Hon. TOM HARKIN,

U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: As chair of the Council of 1890 Presidents/Chancellors, I am writing to express our appreciation for your continued leadership and to convey our support of Thomas C. Dorr, Under Secretary, Rural Development, U.S. Department of Agriculture.

For your information, the Council represents the nation's 18 Black-land-grant colleges/universities and is a policymaking body that is committed to advancing the land-grant mission. The 1890s are located in 17 states, the District of Columbia and the U.S. Virgin Islands and enroll nearly 50 percent of all students attending HBCUs. We work closely with the National Association of State Universities and Land-Grant Colleges and provide leadership for the Council of 1890 Colleges/Universities.

As ranking member of the Senate Agriculture, Nutrition and Forestry Committee, your support of the 1890s has made a significant difference in the infrastructure of our institutions and in our ability to assume greater responsibility for advancing and securing the nation's food and agricultural enterprise. Guided by our 1890 Strategic Plan (copy enclosed), our universities are investing heavily and wisely in:

Serving as a vital force in the conduct of teaching, research and extension and public service; serving as an adjunct to the American economy; expanding and creating new partnerships with socially and economically distressed communities and government, business and industry; transforming the knowledge we produce into solutions designed to improve the quality of life of farmers and families in rural communities and; providing a seamless network of resources and services to key stakeholders in the food and agricultural enterprise.

While these achievements are worth noting, the 1890s continue to face nearly insurmountable barriers in accessing the breadth of programs administered by USDA. In response, Under Secretary Dorr has been an invaluable resource in helping us build new and complementary relationships within and without USDA. Most recently, he represented the Department at a town hall

meeting, "Small Farmers' Voices," sponsored by the Council and held at Alcorn State University.

More than 200 farmers from the Delta area attended the forum—unabashed and relentless farmers who represent the bottom of America's agriculture industry. In spite of the challenge, Tom was superlative in guiding the farmers through the economic and political realities of the global marketplace and helping them to understand the makeup of programs and the allocation of resources at USDA. He has set the stage for sustained dialogue between USDA, the 1890s and farmers in distress. This represents only a snapshot of the many challenges that Under Secretary Dorr has helped us negotiate.

With your strong leadership and unrelenting support of public servants like Thomas C. Dorr, we are confident that the 1890s will continue to serve as an economic instrument of the state and the nation.

Sincerely,

CLINTON BRISTOW,
Chair, Council of 1890 Presidents/Chancellors
& President, Alcorn State University.

FEDERAL RESERVE BANK OF CHICAGO,
October 9, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture,
Nutrition and Forestry, Russell Senate Office
Building, Washington, DC.

DEAR SENATOR HARKIN: I am writing to you in support of the nomination of Mr. Thomas C. Dorr. I have known Tom for almost seven years and have come to greatly respect and admire his dedication to the development of sound economic and agriculture policies. My initial interactions with Tom occurred during the time he served on the Board of Directors of the Federal Reserve Bank of Chicago. During this time and over the years that have followed, I have observed Tom in numerous settings. These settings have ranged from formal Chicago Fed Board of Directors' meetings, to a variety of less formal settings including celebratory dinners, social functions, and conventions, among others. No matter what the occasion, I can honestly say that I have always found Tom to be the consummate gentleman, a good listener, and someone who always offers comments and suggestions grounded in a solid understanding of the issues.

I have always found Tom's insights to be extremely valuable in a variety of areas, most notably that related to agricultural and economic policy. However, it would be an oversight not to mention the solid advice and counsel he has provided on issues dealing social problems in general and the impact of technological change on life in rural and agriculture communities, in particular. Tom was one of a handful of people to understand that while the adoption of technological advances in the farm sector would lift productivity to new levels, these same changes could also have adverse implications for the viability of the traditional family farm. In particular, he often expressed concern for the plight of the traditional family farm, an institution facing intense competitive pressures from larger more efficient operators and one typically requiring significant off-farm income just to break even. In the face of these developments, Tom continually raised concern about the lack of a coherent plan for maintaining the viability of the small farm on the one hand and dealing with the social issues likely to result from their potential displacement on the other.

As I noted above, I admire and respect Tom. I understand that some parties have claimed that Tom is insensitive to issues related to diversity. As an African American that recently sponsored the Federal Reserve Bank of Chicago's bank-wide diversity pro-

gram, I can honestly say that I have never felt uncomfortable in Tom's presence. I have never heard him offer disparaging remarks about people of color, the intrinsic value of diversity, or about small farmers for that matter. Based on my years of interacting with Tom, I am certain that he is not racist in any way and would challenge anyone that would claim otherwise.

Needless to say, I am a big supporter of Tom Dorr. He is bright, articulate, and personable. He accepts critical comments well, is not afraid to speak his mind, and demonstrates rigorous economic thinking at all times. Finally, he has a deep understanding and appreciation of the issues confronting our rural and agriculture communities and I have no doubt that he will serve our country well. I hope that you find my assessment helpful in your deliberations. If I can provide any further information, please feel free to contact me.

Sincerely,

WILLIAM C. HUNTER.

NATIONAL CORN GROWERS ASSOCIATION,
March 19, 2002.

Hon. TOM HARKIN,
Chairman, Senate Agriculture, Nutrition and
Forestry Committee, Senate Russell, Washington, DC.

DEAR CHAIRMAN HARKIN: For over forty-five years, the National Corn Growers Association (NCGA) and its affiliated states have represented US corn growers working towards a prosperous rural economy and a successful agricultural industry. With over 31,000 dues-paying corn growers from 48 states and representing the interest of more than 300,000 farmers who contribute to corn check off programs, NCGA takes seriously its commitment to our membership and our colleagues throughout the agricultural sector.

Recently, your Committee completed a hearing to review the nomination of Tom Dorr for Under-Secretary for Rural Development. For the past year, the Committee has let the nomination languish, thereby preventing the Department of Agriculture (USDA) from providing needed leadership in rural America. Throughout this process, we have been amazed regarding the controversy surrounding Mr. Dorr's nomination. While good people can disagree about ideology and philosophy, we do not agree holding rural America hostage to "inside the beltway" politics.

Mr. Dorr has devoted himself to the well-being of the family farmer and his commitment to domestic agriculture is unparalleled. As a longtime farmer and livestock producer in Northwest Iowa, he is intimately familiar with the challenges facing the agriculture industry in the Midwest and throughout the country. The Department needs a leader like Tom to help breathe life into an agency whose future role will be to positively facilitate change in the farm economy.

You should know that our association is nonpartisan and does not endorse political candidates. Our Board and membership serve without respect to political affiliation and our policies and priorities have one singular purpose, to do what is best for rural America. We believe the Senate Agriculture Committee should act in a similar manner.

Mr. Dorr's patience throughout the confirmation process illustrates his commitment to public service and singular desire to help rural America. We respectfully request the Committee complete the nomination process as soon as possible. Not only is it the right thing to do, it is vital to ensure that domestic agriculture has a strong place in the future of this nation.

Tim Hume, President, Walsh, CO;

Ron Olson, Waubay, SD;
Fred Yoder, President-Elect, Plain City, OH;
Richard Peterson, Mountain Lake, MN;
Lee Klein, Chairman of the Board, Battle Creek, NE;
Kyle Phillips, Knoxville, IA;
Charles Alexander, Stonewall, NC;
John Tibbits, Minneapolis, KS;
Leon (Len) Corzine, Assumption, IL;
Gerald Tumbleson, Sherburn, MN;
Gregory Guenther, Belleville, IL;
Dee Vaughan, Dumas, TX;
William Horan, Rockwell City, IA;
Ron Woollen, Wilcox, NE;
Gene Youngquist, Cameron, IL.

NATIONAL ASSOCIATION
OF WHEAT GROWERS,
March 14, 2002.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture,
Forestry and Nutrition, Senate Russell
Building, Washington, DC.

DEAR SENATOR HARKIN: We are writing in support of Tom Dorr to be confirmed as Under Secretary for Rural Development. Mr. Dorr has the vision and experience to help revitalize the rural landscape of America.

It is our hope that farm-state Senators will support a person for Rural Development Under Secretary whom knows farm issues firsthand and has experienced success in this challenging and competitive environment. Tom Dorr is a true leader that has the talent and tenacity to be successful. National Association of Wheat Growers is confident that Tom will bring solid successful solutions to the challenging economic environment in America.

Rural America is in real trouble. Foreign Agricultural competition is accelerating at a rapid pace. Foreign producers can grow crops more economically because of fewer regulatory burdens, relative currency values, and a host of other factors. Agriculture needs strong people in senior positions of USDA who will fight for farmers and rural communities, and Tom Dorr is one of those people.

We encourage you to unite behind Tom Dorr as Under Secretary for Rural Development. He encompasses the creativity that can bring hope in stemming the exodus of people from our rural countryside because of lack of economic opportunity.

Sincerely,

GARY BROYLES,
President.

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
May 20, 2003.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Senate Hart Building, Washington,
DC.

DEAR SENATOR GRASSLEY: Thank you for giving me the opportunity to express the concerns of Rural Electric Cooperatives to you and Mr. Dorr, Under Secretary for Rural Development.

Mr. Dorr's frankness in addressing the issues facing Electric Cooperatives is much appreciated. His willingness to answer questions recently expressed by our membership is most helpful.

In light of your support and Mr. Dorr's commitment to Rural America, as well as his willingness to work with Rural Electric Cooperatives, we have no reservations regarding Mr. Dorr's confirmation.

Sincerely,

GLENN ENGLISH,
Chief Executive Officer.

Mr. COCHRAN. Mr. President, I am hopeful that the Senate will act favorably on the nomination. I stand ready to answer any questions specifically

from any Senators about our findings during the background investigations and the hearings that were held on the nomination. I am convinced he will do an excellent job.

Before we reported this nomination, I had an opportunity to discuss the performance in office of this nominee with those who had had personal contact with him and had observed closely his management of this agency. I talked with the head of the State agency in Mississippi, for example, Nick Walters, to get his impressions because he had done an excellent job in our State of managing the rural development program. I have a lot of respect for Nick Walters. He works hard. He is a person of great ability, and I have known him a long time. He had unqualified support and strong words of endorsement of Mr. Dorr in how he had managed this department. He said he was tough minded but fair minded, and he did the job in a way that reflected credit on this administration.

I hope the Senate will vote to invoke cloture on the nomination and then confirm Mr. Dorr as Under Secretary of Agriculture for Rural Development.

I reserve the remainder of our time.

The PRESIDENT pro tempore. Who yields time?

Mr. BURNS. Mr. President, to break the impasse here—I never really got to communicate to my friend from Iowa—I have maybe about 3 minutes of morning business. It would go outside this debate. I do not want to be a part of this particular issue. If you don't want me to, that is quite all right with me. But I just ask unanimous consent to proceed as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 3 minutes.

(The remarks of Mr. BURNS are printed in today's RECORD under "Morning Business.")

The PRESIDENT pro tempore. Does the Senator from Iowa seek recognition?

Mr. HARKIN. Mr. President, I yield myself 15 minutes. I would appreciate the Chair notifying this Senator when I have consumed 15 minutes of my allotted 30 minutes.

The nomination of Thomas C. Dorr for the position of Under Secretary of Agriculture for Rural Development has been controversial from the outset. It has generated a great deal of concern and opposition and very serious questions. The controversy has continued from Mr. Dorr's nomination in a previous Congress to a recess appointment and then to his nomination in this Congress.

I regret very much so many problems have arisen regarding the nomination of a fellow Iowan. Just as any of us would feel, it is a matter of real pride to me when someone from my State is nominated to a high position in the Federal Government, regardless of party. This is the first time in my 19 years in the Senate and 10 years in the House that I have opposed the nomina-

tion of an Iowan to a position in the Federal Government. It gives me no pleasure to do this.

This is not personal. I have no personal acquaintanceship with Mr. Dorr. I met him. He came into my office last year. To the best of my knowledge, prior to that our paths had not crossed—maybe briefly at some point. I have no personal animosity at all toward Mr. Dorr. As I said, I don't know him personally. But the record speaks for itself.

I believe, however, we have a responsibility to review nominees as to whether they meet the minimum standards for the job. As a member of the Committee on Agriculture, Nutrition, and Forestry, I have a responsibility concerning nominations. We all do. I have worked with Chairman COCHRAN and formerly with Senator LUGAR, the former chairman and ranking member, to move nominees through the Agriculture Committee and to the floor fairly and expeditiously. I have done so both as chairman and ranking member, and that has been true of nominees for both parties.

It is important to stress that the Agriculture Committee did not, in this the 108th Congress, hold a hearing on the nomination of Mr. Dorr. Because of the serious concerns and unanswered questions about this nominee, I repeatedly requested that the committee hold such a hearing, as did other members of the committee, but that hearing was not held. The committee did hold a hearing in the preceding Congress but, as I will explain momentarily, that hearing raised a host of issues that remain unresolved to this day. The questions have not been cleared up. In fact, they have multiplied.

It was the responsibility, I believe, of the committee to hold a hearing on Mr. Dorr before it reported the nomination to the full Senate, and the unusual circumstances of this nomination added to the importance of holding that hearing. This is not a minor nomination. The Under Secretary for Rural Development is critically important to family-size farms and ranches and to smaller communities all across America. The responsibilities include helping build water and waste-water facilities, financing decent, affordable housing, and supporting electrical power and rural businesses such as cooperatives. They also include promoting community development and helping to boost economic growth, create jobs, and improve the quality of life in rural America. These are the responsibilities of this position.

Given those responsibilities, one of this nominee's first controversies arose from Mr. Dorr's vision of agriculture, reported in the New York Times on May 4, 1998. Mr. Dorr proposed replacing the present-day version of the family farm with 225,000-acre megafarms, consisting of three computer-linked pods. With the average Iowa farm of about 350 acres, Mr. Dorr's vision calls for radical changes.

I ask unanimous consent that that article from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 4, 1998]
FOR AMBER WAVES OF DATA; AFTER THE GREEN REVOLUTION COMES FARMING'S GEEK REVOLUTION

(By Barnaby J. Feder)

MARCUS, IOWA.—There is a haunting presence to the "Evolution of Agriculture," an old chemical company poster on the wall of Tom Dorr's farm office. It ends in 1981 with the invention of a mobile rig to measure electronically the nutritional value of animal feed—the time line's first mention of a computer.

Seventeen years later, computers have infiltrated every conceivable element of agriculture, influencing what technology-savvy farmers like Mr. Dorr grow, how they grow it and how they market the fruits of their labor.

The terminal beside Mr. Dorr's desk, for instance, links him to DTN, a nationwide agricultural and weather data network. There is also his personal computer and printer, which is part of a local area network connecting five computers and a server in this small clapboard building. Formerly the home of a tenant worker, the office is now the information hub of 3,800 acres of northwestern Iowa prairie where Mr. Dorr and his 11 full- and part-time employees raise corn, soybeans and hogs, sell seed and run a grain elevator that serves his and neighboring farms.

With gross revenue of about \$2 million in most years, the Dorr operations rank among the 4 percent of the largest commercial farms that account for 50 percent of the nation's agricultural output. Such commercial-scale farmers are usually among those most active in experimenting with new equipment and management techniques.

To really understand how far things have evolved and get a glimpse of where they might be headed, it helps to stroll past Mr. Dorr's secretary (and her computer), past the bathroom (crowded with three retired computers saved for spare parts), and into the electronics-stuffed lair of Francis Swain, the technology manager.

Mr. Swain, a tall, 27-year-old son of a used-car dealer whose reddish hair is greased back like a 1950's rock-and-roller, describes himself as "not in love with crops or pigs or cows." He represents a new breed of worker, though, whom many big farms will eventually need: an agro-geek with a passion for computers and the information revolution.

In the increasingly global agricultural market, American farmers will come to rely heavily on technology and information systems to compete with nations that have cheaper land and labor, according to experts like Jess Lowenberg-DeBoer, a Purdue University agriculture economist who has studied the adoption of computer-driven farm technology.

And so Mr. Dorr is doing what thousands of other American farmers are doing: using machinery laden with electronic controls and sensors to achieve pinpoint seed spacing, analyze soils for moisture and nutrients, track weather and manage the rates at which fertilizer and pesticides are applied. He has experimented with global positioning via satellites to track exactly where each machine is as it carries out these functions. And come harvest season, still other devices will calculate crop yields in real time.

What sets the Dorr operation apart from most, though, is having an employee like Mr.

Swain assigned to the task of figuring out how to improve and harness the information flow.

Each tractor, pig and farm field is, in Mr. Swain's eyes, simply a source of data that can make the farm more profitable if properly analyzed. The questions that captivate him include how much it would cost to track soil conditions more thoroughly, how yield data from a combine might be correlated with weather data or fertilizer records, and how computer simulations of projected crop growth could be used to fine-tune marketing decisions like what portion of the crop to pre-sell before harvest.

"My dream is not to farm but to own the information company that farmers hook up to for information on logistics, crop data, whatever," Mr. Swain said.

Mr. Dorr, 51, who began farming with his father and his uncle in the 1970's, has a love of the soil that Mr. Swain lacks. But Mr. Dorr does not let agrarian sentimentality befuddle his business acumen. The family farm he grew up with was part of an agricultural enterprise that besides livestock and crops, included a feed store and turkey hatchery.

After graduating from Morningside College in Sioux City, Iowa, with a Bachelor of Science in business, Mr. Dorr worked for an educational research company for three years.

That experience exposed him to computers. While traveling for the research company, Mr. Dorr made side trips to visit farmers who were transforming family farms into far larger commercial operations. When he returned to join the Dorr farm, he was convinced of the need to scrupulously log as much information as possible about operations.

Mr. Dorr had already invested more than \$20,000 in personal computers and farm management software when he hired Mr. Swain in 1990 as office manager and accountant. "Fran was ill at ease and less qualified on paper than other candidates," Mr. Dorr recalled. But Mr. Swain had studied computer science at Nettleton Business College in Sioux Falls, S.D., while completing the college's two-year accounting program and his references raved about his enthusiasm and organizational skills.

By last year, so much of Mr. Swain's work involved updating and expanding the farm's information technology systems that Mr. Dorr changed his title to technology manager.

Mr. Swain, who has often urged Mr. Dorr to invest more rapidly in cutting-edge technology, occasionally chafes at more mundane tasks like analyzing past weather data to be sure the strains of corn now going into particular fields are likely to have time to mature before harvest.

"His lack of experience in production gets him out into left field sometimes," Mr. Dorr said of Mr. Swain's proposals, like his suggestion to set up wireless communications from field equipment to the office so that the costs of pesticides are apportioned to the owners of a rented field as the chemicals are applied. While intriguing, such ideas would typically cost too much or not be reliable enough with current technology, Mr. Dorr said.

Still, Mr. Dorr gave Mr. Swain his new title to encourage him to continue thinking broadly and to make it clear to skeptical old-time farmhands that Mr. Dorr valued Mr. Swain's work.

Bob Kranig is a 56-year-old equipment operator and mechanic who, along with Mike Schwarz, a 38-year-old equipment operator for the Dorr farm, has been the main employee coping with the surge in data gathering. "Mike and I are intimidated to a point by the new technology," Mr. Kranig conceded.

They will have to get over those fears if Mr. Dorr and Mr. Swain are to pursue their vision of a 225,000-acre operation made up of three "pods," each with its own manager but sharing an information system back at farm headquarters. Such an enterprise would be big enough to keep 100-unit trains running to far-away seaports, making the farm likely to receive volume railroad discounts. Such an agricultural factory could also negotiate bargain prices from suppliers and other concessions, like just-in-time delivery.

To really prosper, though, this type of megafarm would need a 21st-century computer network capable of rapidly integrating information that is piling up in various, incompatible forms—as well as other data that so far go ungathered.

Such integration may be an uphill battle for years to come. Researchers have raised questions about just how precise soil samplers, yield monitors and other pieces of today's equipment really are. And internet chat sessions, farm conventions, and plain old coffee shop conversations in rural towns are alive these days with earthy gripes about proprietary product that do not interface with each other and new technology that promises more than it can deliver.

Still, Mr. Dorr clings to his vision of a farm sprawling over thousands of individual fields—many of which might be only partly owned by Mr. Dorr and his relatives, while others could be rented, either for money or for a share of the crop.

His information system would know what was grown in each field in the past and how much it yielded under different growing conditions. It would also know about crucial characteristics of the field like irrigation, drainage and soil.

The system would also have constantly updated information on available labor, machinery and supplies. Operations like storage, marketing and distribution would be tied in, so that the past and the projected profitability of each field would be constantly visible to Mr. Dorr, his employees, landowners and the investors he says would be needed to spread the financial risks of such a big enterprise.

Assembling this digitally enhanced megafarm would require, by Mr. Dorr's and Mr. Swain's guesstimate, at least a \$2 million technology investment. Put it all together, though, and one can envision a farm that rearranges planting or harvesting on the fly as weather changes or new sales opportunities arise.

Without such size and information-management capabilities, Mr. Dorr fears that most farms will end up with as little control over their destiny and profitability as those that today raise chickens under contract to giant producers like Tyson and Perdue. In addition, he says, such size and sophistication will be needed to provide the kind of job opportunities that will keep the best and brightest rural youngsters from moving away.

So far, Mr. Dorr and Mr. Swain concede, it has been hard to sell their vision, which Mr. Dorr sees as too risky to pursue on his own. Investment bankers have said the project is too small and the business plan too fuzzy to interest them, and other farmers are hanging back.

Some are merely skeptical. Others are downright hostile to visions like Mr. Dorr's because they see aggressive growth strategies as a threat to the majority of family farms, which are run by part-time farmers who also hold down other jobs. But Mr. Dorr considers such thinking a denial of the inevitable. "The typical farmer's tendency is to go it alone until it's too late," he said.

Yet even Mr. Swain concedes the risks of racing toward a more computerized future. "About half of all information technology projects fail," he said.

And he knows full well that the problem is often the unpredictable human element. Noting that he has software on his Gateway 2000 laptop that keeps fitness records and designs workouts for him, he added, "The flaw is that it doesn't motivate me to exercise."

Mr. HARKIN. On another occasion, at a 1999 conference at Iowa State University, Mr. Dorr criticized the State of Iowa for failing to move aggressively toward very large, vertically integrated hog production facilities. The record also shows Mr. Dorr attacking the ISU extension service and harassing the director of the ISU Leopold Center for Sustainable Agriculture. Is this really the attitude and the vision for agriculture and rural communities the Under Secretary for Rural Development ought to bring to the job?

The person in that position also must be responsive and sensitive to the demands of serving America's very diverse citizens and communities. That requirement cannot be overemphasized in a department that has been plagued with civil rights abuses of both employees and clients. Here is what Mr. Dorr had to say about ethnic and religious diversity at that Iowa State University Congress; these are Mr. Dorr's own words on the record:

I know this is not at all the correct environment to say this, but I think you ought to perhaps go out and look at what you perceive [are] the three most successful rural economic environments in this state. . . . And you'll notice when you get to looking at them, that they're not particularly diverse, at least not ethnically diverse. They're very diverse in their economic growth, but they have been very focused, have been very non-diverse in their ethnic background and their religious background, and there's something there obviously that has enabled them to succeed and to succeed very well.

Again, I ask unanimous consent that the transcript of this meeting be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS BY TOM DORR; TRANSCRIPTIONS OF IOWA TAPE

I've got just a couple of comments, and as one of the few farmers here, I think I'll take an opportunity—I listened to this comment earlier about the "wow" statements, that you wanted something to get to the New York Times. I caution you that that happened to me once a couple of years ago when I suggested to me that the appropriate model of a corn soybean farm in Iowa would mesh around 225,000 acre operation in an interview that got the front page of the New York Times business section. It screamed around the world and got back to my hometown, and I am now presently the pariah of Marcus?, so what you wish is what you may get if you're not careful.

My observation though today, that what you're really about, as precipitated by this gracious gift, is you're really trying to find your souls. Some of you have heard me say that before, and I say that in the context that I as a former member of the board of regents, and one who has always had an abiding interest in education, have felt that to some extent, some of the leadership, myself included, have failed the institutions starting back during the ag crisis of the '80s that

particularly that precipitated all of this—in the sense that what actually diverted you from your primary responsibility of teaching and doing research and expected you to develop economic development opportunities that would quickly turn into more growth for the state. And I think that has been a rather misguided approach, not in every case, but I think that that was somewhat of a mistake. And as a result, I think you're really trying to grope with whether or not you are a group of physical scientists or social scientists. In agronomy, I guess I've always assumed that you were physical scientists, but I don't think that's necessarily the case. And I'm not sure—I'm not making judgmental—I'm not sure that's good or bad. You're obviously very very passionate about what you do and so am I. I'm very passionate about what I think we have to be doing in agriculture. My greatest fear in listening to this discussion for the last short day is that, as one of my peers on this panel suggested earlier, when I put it in the context if after 60 years of Triple A or Agriculture Adjustment Act Programs, our farm policy or farm policy governance has literally frozen us in our ability to be creative in our thought processes as it related to production agriculture.

I caution you in the standpoint that the Iowa agriculture rural landscapes are at great risk. They are truly at great risk of becoming barren economic landscapes. And I say this, and I've mentioned this earlier at least in a couple of the groups, and I don't say this from the standpoint of sounding like sour grapes. That's not what it's intended to, but most of you in this institution through the various programs, whether you're a merit employee P and S or an active (?) admission, your salaries and your retirement programs through TIA CREP will leave most of you much better off than most farmers that you think you're trying to advantage out here in the country at the time you complete 30 years of employment in the institution. And as a result, I think it has to be a paramount focus to a more income growth in the Iowa agriculture sector. Quality is fine—it's a laudable goal, but income growth has to be at the bottom of what you're about. And if it's not, then I think we'll be back here several more times trying to figure out what it is.

The other thing that's interesting to me, and I know this is not at all the correct environment to say this, but I think you ought to perhaps go out and look at what you perceive the three most successful rural economic environments in this state. And I'm not talking about those associated with metropolitan areas. But I would submit to you that they're probably the three most successful ones. If they're not the three, two of these are the three, and it would be Carroll County, Sioux County, and Lyon County. And you'll notice when you get to looking at them, that they're not particularly diverse, at least not ethnically diverse. They're very diverse in their economic growth, but they have been very focused and have been very non-diverse in their ethnic background and their religious background, and there's something there obviously that has enabled them to succeed and to succeed very well.

I think we also need to recognize the fact that the change in the hog industry did not occur in a vacuum, and it didn't occur in North Carolina and the South by accident. It occurred because we did not create the opportunities, the investment opportunities and the environment in this state to make it happen. And I submit to you that it would have occurred and it would have occurred with a lot more of our producers being involved in these kinds of enterprises in a much more broad scope had we been more

aggressive about determining what was going to make it happen. And I will caution you that this very thing is going to happen in crop production in land management. The tools are in place, you have economists on this staff that understand what I'm talking about, and this will happen. It will evolve into large grain farming operations that if we battle it, if we don't analyze it and facilitate the growth in this, it could be very disheartening.

I think our goal ought to be to turn the state into a vibrant food producing value-added state, but it will not happen that way within the existing structure of production agriculture. So when we look at who we serve, I think in all honesty that if you truly focus on doing good research, good science driven research, and maintaining high pedagogical standards and teaching students, that you're products and your science, your products in terms of your students and your science will serve you most appropriately wherever they may end up at, and probably in a much finer model than you would perhaps suspect.

Thank you.

Mr. HARKIN. Again, should we have as Under Secretary for Rural Development someone who lacks the judgment to avoid uttering such intentionally provocative and divisive remarks? How does this sort of insensitivity serve the urgent need to reverse USDA's poor civil rights record?

I repeat what Mr. Dorr said:

I know this is not at all the correct environment to say this.

Evidently he is saying it is all right to say it, it must be all right to believe it, but you just don't say it publicly in a meeting such as that. In other words, he is kind of saying be careful of where you say it but it is OK to go ahead and believe what he says here, that somehow economic progress equates with lack of ethnic and religious diversity.

Let me also point to a memorandum Mr. Dorr sent to me, in October of 1999, to complain about charges on his telephone bill for the national access fee and the Federal universal service fee. The proceeds from these relatively modest fees go to help provide telephone service and Internet access to rural communities, hospitals, and schools. It just strikes me as very odd that Mr. Dorr would have responsibility for helping rural communities obtain telecommunications services and technology when he was so vehemently opposed to a program that serves that very purpose. This is what he said in that letter, in reference to the national access fee and the Federal universal service fee:

With these kind of taxation and subsidy games, you collectively are responsible for turning Iowa into a State of peasants, totally dependent on your largesse. But should you decide to take a few side trips through the Iowa countryside, you'll see an inordinate number of homes surrounded by five to 10 cars. The homes generally have a value of less than \$10,000. This just confirms my "10 car \$10,000 home theory." The more you try to help, the more you hinder. The results are everywhere.

What a slap in the face to poor rural people.

I ask unanimous consent that the entire substance of the letter and a

memorandum that was sent to me dated 10-8-99 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Date: 10/8/99

To: See Distribution List

From: Thomas C. Dorr

Re: Telephone and TeleCommunication Taxes

Attached to this memo-fax is an information insert I received with my recent long distance billing. The total tax for this statement is 14.65%. This is outrageous, especially when you consider that government has had minimal influence on the evolution of the telecommunications technology.

The monthly National Access Fee per business line of \$4.31 in conjunction with the 4.5% "Federal Universal Access Fee" frequently exceeds the total monthly phone usage charges, which are necessary to have emergency phone lines at our individual farm and hog sites. Those taxes don't include the Federal and State excise and sales taxes.

These taxes are confiscatory. School and local government systems in Iowa alone have been subsidized so long without commensurate performance expectations that a large number have slipped into a slothful state far exceeding mediocrity. They probably don't receive 30% of these taxes, and they surely don't need them.

With these kinds of taxation and subsidy games, you collectively are responsible for turning Iowa into a state of peasants totally dependent on your largesse. This is unacceptable.

I am sure my ranting won't change your approach to maintaining a constituency dependent on government revenue. But should you decide to take a few side trips through the Iowa countryside, you'll see an inordinate number of homes surrounded by five to ten cars. The homes generally have a value of less than \$10,000. This just confirms my "10 car \$10,000 home theory". The more you try to help the more you hinder. The results are everywhere.

I strongly suggest you take time to read Thomas Friedman's new book "The Lexus and the Olive Tree", then ask yourselves what really makes sound governance policy. I don't think confiscatory tax initiatives count. It is a cinch we aren't getting wealth in Iowa.

IMPORTANT INFORMATION ON SERVICE FEES

Recent regulatory and industry changes will affect two charges on your current invoice. The Federal Communications Commission recently approved larger universal service subsidies for schools and libraries.

Like other carriers, MCI WorldComSM collects its contributions for the universal service fund by assessing a fee on customer invoices. In order to recover the cost of increased universal service contributions, beginning with this invoice, the monthly Federal Universal Service Fund charge (FUSF) is calculated at 4.5% of regulated interstate and international billing, reflecting an increase of 0.4%.

Also effective with this invoice, the monthly National Access Fee (NAF) increased to \$4.31 per Business Line, \$0.48 per Business Centrex line, and \$21.55 per ISDN PRI or Supertrunk line. The NAF results from monthly per-line charges imposed by many local service providers on long distance carriers for connections to local telephone networks.

As a valued customer, you will continue to be notified of any future changes that affect what you pay for service.

Thank you for using the MCI WorldCom program. We appreciate your business and the opportunity to serve you.

Mr. HARKIN. Mr. President, Mr. Dorr was given every opportunity but could not explain this broad attack against helping rural communities. It seems clear that Mr. Dorr was degrading the very people and the very rural communities he is nominated to serve at USDA. He was making light of lower income Americans in rural communities who are struggling to make a living and get ahead. And he is saying that it is counterproductive to try to help. He said:

The more you try to help the more you hinder.

In testimony before the committee, Mr. Dorr admitted that he had gotten federally guaranteed student loans. He admitted that he had gotten very generous farm program payments and that these did not seem to hinder him at all. But to try to help poor people who live in \$10,000 homes, that hinders them, you see. Talk about insensitivity.

This is a letter he sent to me. In that letter, he was complaining about the taxation for the Federal universal service fee. Do you know what the bill was? It was \$4.74. He is saying it is confiscatory. On the other page, here is the Federal universal service fee—3 cents out of a \$21.27 bill, and he is complaining about it. This is someone who is going to be the Under Secretary of Rural Development?

To do any job well, one has to believe in its value. Yet the very purposes of USDA's Rural Development programs are an anathema to the beliefs and philosophy of Mr. Dorr.

Lastly, for any nominee the Senate has a responsibility to examine their financial backgrounds and dealings. Secretary Veneman put it perfectly when she wrote to me:

Any person who serves this Nation should live by the highest standards.

Let us see if Mr. Dorr meets this standard.

Mr. Dorr was a self-described president and chief executive officer of Dorr's Pine Grove Farm Company of which he and his wife were the sole shareholders. In that position as president and CEO, Mr. Dorr created an exceedingly complex web of farming arrangements.

This is what it kind of looks like. I will not try to explain it. It is very complex and very interlocking. But the operations included land in two trusts that were set up in 1977. For a time, Tom Dorr through his company, Dorr's Pine Grove Farm, the major company, farmed the land held in these trusts under a 50-50 share lease with half of the crop proceeds and half of the farm program benefits going to Dorr's Pine Grove Farm and half to these trusts. This is what is normally called a crop share arrangement.

Then, beginning in 1988, Mr. Dorr filed documents with the USDA stating that his operation had changed. He was no longer farming on a crop share

basis, but he was going to custom farm, saying that each trust had a 100-percent share in the crop proceeds and were entitled to receive 100 percent of Federal farm program benefits.

Tom Dorr, acting through Dorr's Pine Grove Farm, still farmed the land as before, but he had claimed and stated and signed his name on a document that the arrangement had become a custom farming arrangement.

This is very important. He knowingly signed that document.

At some point, one of the trust beneficiaries, Mr. Dorr's brother, Paul Dorr, began to question why the custom farming fees were so high. Paul Dorr taped at least two conversations with his brother, Tom Dorr, that corroborated his suspicions that Tom Dorr was engaged in misrepresentation. That tape was made public. Mr. Dorr admitted that that was his voice on the tape. Paul Dorr contacted the Farm Service Agency and persisted in his request for an investigation.

Finally, in the spring of 1996, the FSA conducted a review of the Melvin G. Dorr Irrevocable Trust. The FSA found that the forms filed and signed by Thomas Dorr for the 1993, 1994, and 1995 crop-years misrepresented the facts. The trust was required to repay \$16,638 to the Federal Government.

Let us fast forward.

In the fall of 2001, the USDA Office of Inspector General conducted a further review of Mr. Dorr's affairs. The Office of Inspector General asked the Farm Service Agency to review another trust, the Harold E. Dorr Irrevocable Family Trust. Once again, the trust was found to be in violation of program rules because of the misrepresentation on forms signed by Thomas Dorr. The trust had to pay USDA a total of \$17,151.87 in program benefits and interest for crop-years 1994 and 1995.

Investigations by the USDA Office of Inspector General and the Farm Service Agency determined that for the years examined, the forms signed by Tom Dorr misrepresented the trusts' shares in the crop proceeds. FSA found that in reality the land in both of these trusts was farmed on a 50-50 crop share basis and not on a custom farming basis. The trusts were, therefore, not eligible for the 100-percent share of program benefits because Tom Dorr had misrepresented the actual farming arrangement.

Mr. Dorr would have us believe that either the misrepresentations were innocent or that there were no misrepresentations. But the record shows that he knowingly carried on a crop share lease arrangement between Dorr's Pine Grove Farm Company and each of the trusts even as he represented to the Farm Service Agency that it was custom farming and not crop share leasing.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. HARKIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. HARKIN. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, in the telephone conversations that Paul Dorr taped, Tom Dorr admitted that the so-called custom farming arrangement was, in fact, a crop share. This is in a telephone conversation in which Mr. Dorr said:

Besides those two machine charges, everything is done on a 50-50 normal crop share basis. It always has.

These are not my words; these are Tom Dorr's own words on tape.

I ask unanimous consent that the transcript of that tape be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF AUDIO TAPE PROVIDED UPON REQUEST FROM THE IOWA STATE FSA OFFICE, IDENTIFIED AS: COPY OF TAPE LABELED "EXCERPTS FROM CONVERSATION BETWEEN TOM DORR AND PAUL DORR 6/14/95"

The parties are identified as Person 1 (assumed to be Paul Dorr) and Person 2 (assumed to be Tom Dorr).

The following are excerpts from a telephone conversation that was recorded on June 14, 1995, occurring between Tom Dorr and Paul Dorr.

PERSON 1: I, I guess I'd like to know as a beneficiary what . . . you know, I know, I understand your desire to keep this all out of . . . in the government's eyes, um, but I still think there should be some sort of explanation as to how these, you know exactly how this percentage, allocation is broken out, how its, how its applied each year.

PERSON 2: 50/50. I charge the Trust their half of the inputs, not the machine work. And I charge the, I charge the, I take that back, the only machine charge, the machine charge that I have charged always is \$12.50 an acre for combining. That was an arrangement that was entered into when dad and Harold were still alive because of the high cost of combines.

PERSON 1: Yeah . . .

PERSON 2: Beside from that, uh, I take that back, and they also, and we have always charged the landlords a nickel a bushel to haul the grain into the elevator.

PERSON 1: Um Hmm . . .

PERSON 2: Beside those two machine charges everything is done on a 50/50 normal crop share basis, it always has. And, and, and frequently, quite frankly, I've, I've kicked stuff in, or, you know, if there is a split that isn't quite equal I always try to err on the side of the, on the side of the Trust. So, that's, that's the way its been, that's the way it always has been and that's the way these numbers will all resolve themselves if somebody wants to sit down and go through them that way.

PERSON 1: It, this was all done that way in an effort to . . .

PERSON 2: . . . avoid the \$50,000 payment limitation to Pine Grove Farms.

PERSON 1: And . . . to, it is to your benefit to your other crop acres . . .

PERSON 2: . . . that's right . . .

PERSON 1: . . . that, that um, this arrangement is set up in, in such a fashion?

PERSON 2: That's correct.

PERSON 1: Uh, do we, as a Trust, um, have any risk if the government ever audits such an arrangement? Or, was it done your saying back when it was legal? Is it still legal?

PERSON 2: I have no idea if its legal. No one has ever called me on it. I've done it this way. I've clearly kept track of all paper work this way. And, uh . . .

PERSON 1: I, I understand how it works, now . . .

PERSON 2: I have no idea. I suspect if they would audit, and, and somebody would decide to come in and take a look at this thing, they could, they could probably if they really wanted to, raise hell with us. Yep, you're absolutely right. Uh, and I'm trying to find out where I've overcharged at.

PERSON 1: Well, I, I don't know what the extension service includes in their, in their, um, uh, estimated figure on, on machinery expense.

PERSON 2: That, that figure, I mean if you look at that figure, and I believe, and I'd have to go back and find it, but I know that I discussed this with the trustees and I'm fairly certain that its in one of your annual reports. Uh, that custom fee actually is not a custom fee. That's crop rental income to me. That's my share of the income. I mean if you just sat down and, and, and . . . (5 second pause with music in the background) excuse me . . .

PERSON 1: That's ok.

PERSON 2: Uh, what actually happened there was way back in, uh, perhaps even 89, but no, no that was in 90 because that doesn't show up until then, Either 90 or 91, uh, I refiled the way the farm, the Trust land both for the Melvin Dorr Trust and the, the uh, Harold Dorr Trust are operated with the ASCS to, quite frankly, avoid minimum payment limitations. OK?

PERSON 1: Right

PERSON 2: And I basically told the ASCS and reregistered those two operations such that they are, uh, singularly farm operations on their own, OK?

PERSON 1: OK

PERSON 2: And I custom farm it. Alright, so how are you going to custom farm it? The reason I did it was, was to eliminate any potential, uh, when I could still do it at that point, of, of the government not liking the way I was doing it. I knew what was coming. I anticipated it the same as I did with proven corn yields way back in the 70's when I began to prove our yields and got basis and the proven yields up. I transferred these out when it was still legal and legitimate to do so and basically they stand alone. Now, obviously I'm not going to go out here and operate all this ground and provide all this management expertise singularly, uh, for the purpose of, of doing it on a \$60 an acre custom fee basis. Subsequently, what's happened is, the farm, I mean the, the family Trust pays all of its expenses and then we reimburse it and it sells all the income, and it sells all the crop, and it reimburses us with the 50/50 split basis.

PERSON 1: I, I, I remember vaguely something being discussed about that, I'll have to go back to the file. . .

PERSON 2: . . . that's exactly what's going on (unintelligible) . . . those custom fees the way they are . . .

PERSON 1: . . . and then to determine, um, that, that was, again if that was in writing to us beneficiaries, I guess I missed that and I'll look for that again. Um . . .

PERSON 2: Even if it wasn't I know that that was clearly discussed with the trustees. The beneficiaries really had nothing to do with it.

PERSON 1: OK, well, well, I appreciate your correcting me on the interest and, uh, allocating those incomes to those different years. That does make a difference with that income. I think the custom fees, uh, when I took a look at that one, and I, you know, I just started looking at this in the last 6 weeks. When I took a look at that last fig-

ure, uh, and looking back on in the file, it may not hurt for you to remind everybody, um, maybe even in the annual report. . . .

PERSON 2: I don't, I don't, really want to tell everybody, not because I'm trying to hide the custom work fees from anybody, but because I don't want to make any bigger deal out of it than I have to, relative to everybody knowing about it, including the government.

END OF RECORDING.

Mr. HARKIN. Madam President, again he said on the tape,

Everything is done on a 50-50 normal crop share basis. It always has.

He says that to his brother on the tape, but he says to the FSA, to the taxpayers of America: No, it is not. I am custom farming.

What would be the purpose of misrepresenting these arrangements? Mr. Dorr's own statements show the motives in this telephone call. As Tom Dorr said to his brother, the bogus custom farming arrangements were set up to "avoid the \$50,000 payment limitation to Pine Grove Farms."

Again, my fellow Senators, these are not my words. These are Tom Dorr's own words—his own words. He admits in his own words that he misrepresented to the Federal Government his farming arrangements, and he did it to get around payment limitations.

There was the payment limitation connection. A part of the farm program payments for land in these two trusts should have been paid directly to Dorr's Pine Grove Farm under a normal crop share arrangement. But they would have counted against Mr. Dorr's payment limitation. But instead, because of Mr. Dorr's misrepresentations, the USDA payments that should have gone to him were funneled through the trusts and not counted against his payment limitations.

Indeed, the FSA review of Dorr's Pine Grove Farm Company found that Mr. Dorr's misrepresentations " . . . had the potential to result in Pine Grove Farms receiving benefits indirectly that would exceed the maximum payment limitation."

Federal law provides criminal penalties for knowingly making false statements for the purpose of obtaining farm program benefits. The USDA Office of Inspector General referred the Dorr matter to the U.S. Attorney for the Northern District of Iowa.

In February of 2002, that office declined criminal prosecution due to statute of limitations issues. We may hear some claim that the Office of Inspector General exonerated Mr. Dorr. That simply is not so. The OIG simply closed the case after the U.S. attorney decided it could not proceed because the statute of limitations had run.

Is this the rule by which we say to someone they can now get a position in the Federal Government? You tried to cheat the Federal Government out of money, you got caught, you had to pay it back, and you didn't get prosecuted because the statute of limitations had run. That is OK, you can take a position in the Federal Government.

Based on the seriousness of the violations involved, I believe it was the responsibility of the committee to exercise due diligence regarding other parts of his complex farming arrangement and to take a look at some years that had not been involved in the FSA and OIG investigations. Shortly after the March 2002 nomination hearing, Senator MARK DAYTON sent a letter dated March 21 asking for information on the various financial entities from 1988 through 1995, 1988 being the year in which he first changed or said he changed his operation. I wrote Secretary Veneman on May 17, 2002, and on June 6, 2002, seeking a response to the committee's questions.

We received some responses but critical questions remained unanswered and new questions arose. The materials provided in June show that over \$70,000 in farm program payments had been received by the two trusts from 1988 through 1992 under, apparently, the very same type of misrepresentation that was found in later years. Each time the USDA provided the committee with some of the requested information that turned up new problems. Again, we tried to get to the bottom of his complex financial dealings. We know the crop shares were misrepresented for two of the entities but we did not have sufficient information about the others, so the committee requested additional documents from USDA. We asked the nominee additional questions. These were reasonable requests pertaining to valid questions. Secretary Veneman made clear in her letter back to the committee that neither the Department nor the nominee would cooperate with or provide any more information to the committee.

I ask consent that a letter from the Congressional Hispanic Caucus dated May 22, 2003, strongly opposing this nominee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
Washington, DC, May 22, 2003.
Hon. THAD COCHRAN,
Chairman, Committee on Agriculture, Senate
Office Building, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture,
Senate Office Building, Washington, DC.

DEAR CHAIRMAN COCHRAN AND RANKING MEMBER HARKIN: On behalf of the Congressional Hispanic Caucus, we write to express our continued opposition to the confirmation of Thomas Dorr for Undersecretary of Agriculture for Rural Development. Furthermore, we urge that Mr. Dorr's confirmation process not bypass the required hearings necessary to provide a full accounting of Mr. Dorr's very troubling views on agriculture and his equally upsetting stated views on racial diversity in America.

This opposition is not arbitrary, but based on reasonable concerns. Our opposition is based on Mr. Dorr's vocal stances on his vision of farming and his resistance to sustainable agriculture. One of the biggest threats to independent producers, farm workers, and rural communities is the growing corporate control of the nation's food production system. Undersecretary Dorr's vision of farming

is one of 225,000 acre operations—one farm for every 350 square miles. This is 656 times the size of the average farm. Such a vision is antithetical to a broader vision of broad-based and equitably distributed growth for all of rural America.

In addition, in comments made publicly and reported in the Des Moines press, Mr. Dorr believes that diversity of race, ethnicity, and religion detract from economic productivity. He claimed in a meeting in 1999 that three of Iowa's more prosperous counties do well economically because "they have been very non-diverse in their ethnic background and their religious background." These comments are puzzling, and raise concerns about his racial sensitivity.

The Undersecretary of Rural Development must support a viable and equitable vision for our rural communities. Mr. Dorr's opposition to sustainable agriculture programs, support for corporate control of farms, and his contention that economic prosperity can be contributed to lack of ethnic and religious diversity are the worst possible answers to the economic, social and environmental problems facing farm workers and their communities in rural America. Based on Mr. Dorr's background and his tenure at the U.S. Department of Agriculture, it is easy to understand why both civil rights and farmer interest organizations have opposed him, his extreme corporate views and racial insensitivity.

The Congressional Hispanic Caucus, Latinos, farmers, farmworkers, and farmer organizations throughout the country oppose the confirmation of Thomas Dorr. What we need are USDA officials who represent family farmers, farmworkers, and sensible farm policies. Farmers from his own state and from throughout the country oppose his confirmation. This opposition may explain why President Bush found it necessary to initially appoint Undersecretary Dorr through a recess appointment rather than allowing his nomination to move through a transparent and formal process in the US Senate. Last, the appointment of Mr. Dorr does little to improve the image of an agency plagued with civil rights violations and class action lawsuits from minority farmers.

For all of these reasons, we strongly oppose the confirmation of Mr. Thomas Dorr and strongly urge that his views and tenure at USDA be explored in confirmation hearings.

Sincerely,
THE CONGRESSIONAL HISPANIC CAUCUS.

Mr. HARKIN. I also have a letter from a number of groups dated October 8, 2003, representing family farmers and farm workers across America opposed to this nominee. I ask it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 8, 2003.

DEAR SENATOR, The undersigned organizations are dedicated to promoting social, environmental and economic justice throughout rural and urban America. We are writing to ask you to vote against the nomination of Thomas Dorr as USDA Undersecretary for Rural Development when it comes to the Senate floor. This nomination, now more than two years old, has received on-going, widespread grassroots opposition.

In August 2002 President Bush appointed Mr. Dorr to the USDA in order to avoid the certain rejection of this unsuitable nominee by the full Senate. His recess appointment followed the Senate Agriculture Committee's vote of no confidence when they released his nomination without recommenda-

tion. Earlier this year, the Senate Agriculture Committee, without a hearing, sent the nomination to the Senate floor.

We object to Thomas Dorr's nomination for many reasons. First, Mr. Dorr deliberately misrepresented his farming operations structure to order to cheat the U.S. government and circumvent payment limitations. On the morning of the Senate Agriculture Committee hearing on his nomination in March 2002 the Des Moines Register published excerpts from a taped conversation between Mr. Dorr and his brother. In this conversation, Mr. Dorr stated that he had misrepresented the structure of his farming operations to "quite frankly avoid minimum payment limitations." The U.S. government required he return \$17,000 in 1995 after a review of his Iowa farm operation.

In 2002, in the wake of the Senate Agriculture hearing and further investigation, the Dorr family trust was obligated to repay another \$17,000. During the August 2002 Senate Agriculture Committee meeting, Senator Harkin raised concerned that according to materials provided in June, two Dorr family trusts received some \$65,000 in farm program payments from 1988 through 1993. These payments apparently fall under the very same circumstances that led to the total repayment of \$34,000 for 1994 and 1995. Nevertheless, the USDA continues to withhold further records of Mr. Dorr from the Committee and the public.

Second, Thomas Dorr's vision for increased concentration in U.S. agriculture and the consolidation of many family farms into singular "megafarms" is counter to effective rural development and the promotion of family farm and ranch-based agriculture that is at the foundation of healthy rural economies and agriculture communities. He is also on record as strongly opposing sustainable agriculture, including the cutting-edge work of the Leopold Center at Iowa State University.

Third, Mr. Dorr has made comments tying rural economic development with lack of ethnic and religious diversity. Diversity is increasing in our nation's rural communities, and we are concerned that Mr. Dorr's perspective will prevent him from effectively meeting the needs of minority populations. As Senator Harkin said during the Senate Agriculture Committee Hearing on August 1, how does Mr. Dorr's insensitivity fit the urgent need to reverse the USDA's poor civil rights record?

Fourth, Mr. Dorr strengthened our opposition to his nomination with his testimony before the Senate Agriculture Committee in March 2002 during which, in a letter to Senator Harkin written by Mr. Dorr himself, he revealed his disdain for rural residents who utilize government programs. In this letter, Mr. Dorr complained about a minuscule tax on his telephone service saying he believed government payments destroyed the initiative of beneficiaries. This seriously calls into question Mr. Dorr's ability to fairly administer programs providing millions of dollars in federal loans and grants to those he is mandated to serve, but about whom he has made antagonizing statements.

Mr. Dorr's track record in the USDA since his recess appointment has not mitigated our objections. On Friday May 16, 2003, Mr. Dorr testified before the Senate Appropriations Subcommittee on Agriculture and Rural Development. As part of the budget request for FY 2004, he stated that he views his agency as the "venture capitalists" of rural America, instead of lender of last resort, its primary historical mission.

It is not in our nation's best interest to have an Undersecretary for Rural Development who has admitted misuse of U.S. government programs, antagonized those he would be charged to serve, and who envisions

a structure of agriculture that would further depopulate our rural communities. The Undersecretary for Rural Development should support policies that ensure thriving and viable rural communities and uphold USDA standards. This person should also believe in the government programs he administers.

The undersigned organizations remain concerned about Mr. Dorr's vision, his current USDA record, and the USDA's failure to respond to pending questions from the Senate Agriculture Committee. We strongly urge you to vote against Mr. Dorr's nomination.

Mr. HARKIN. I have a letter from the Black Caucus expressing deep concern about this nomination and pointing out: Before moving forward with the nomination, we urge you to carefully consider the concerns we have outlined here, "only when all parties are satisfied should he be given a vote." I ask unanimous consent that letter be printed in the RECORD, along with a letter signed by 44 Senators, dated June 24, 2003, to Majority Leader FRIST, basically saying they are opposed to going ahead with this nomination until one, the nominee furnishes requested information, and two, until a hearing under oath is held on Mr. Dorr's nomination according to committee rules and normal practice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 24, 2003.
Hon. BILL FRIST,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: We write to express our deep concern about the nomination of Thomas C. Dorr as Under Secretary for Rural Development and member of the Commodity Credit Corporation board at the Department of Agriculture. The nomination was reported from the Committee on Agriculture, Nutrition and Forestry on June 18.

From the outset, Mr. Dorr has been a highly controversial nominee, due in part to his insensitive and divisive remarks concerning ethnic and religious diversity, his disparaging comments about low income rural Americans and his advocacy of huge megafarms at the expense of family farms. Accordingly, the Congressional Hispanic Caucus opposes Mr. Dorr's confirmation and the Congressional Black Caucus has expressed "deep concern" about the nomination.

Of critical importance is evidence that Mr. Dorr signed and submitted documents to the Department of Agriculture in which he misrepresented his farming arrangements with two family trusts for the purpose of evading statutory limitations on the amount of farm program payments he could receive. In fact, Mr. Dorr specifically stated in a conversation with his brother that he had set up the arrangements to "avoid a 50,000-dollar payment limitation" to his own farm corporation. The misrepresentations, made by Mr. Dorr on behalf of the trusts, were a necessary part of his plan to evade payment limitations. When USDA discovered the misrepresentations, it required the trusts to make restitution to the federal government of nearly \$34,000. In addition, the evidence showed that USDA had paid out over \$70,000 in earlier years in the same manner and under the same arrangements that USDA had found improper and which led to the required \$34,000 payment. USDA failed to investigate these payments, but they raised

additional doubts about Mr. Dorr's dealings with USDA, including those through other parts of his large and complex farming operations.

The Agriculture Committee has a responsibility to investigate these matters as part of its examination of the fitness of this nominee to serve. In the previous Congress, the Committee sought unravel the complicated web of Mr. Dorr's financial dealings with USDA. A hearing was held in February of 2002, but it raised more questions than it answered, including disturbing new issues about Mr. Dorr's truthfulness and veracity in sworn testimony to the Committee. The nominee and the administration rebuffed subsequent efforts by the Committee to obtain information that would have addressed these very serious questions pertaining directly to Mr. Dorr's honesty and integrity. Despite these unresolved problems, the nominee received a recess appointment in August of 2002.

Mr. Dorr was renominated for the position early this year. Despite repeated requests, the current Chairman of the Agriculture Committee has refused to hold a hearing on the serious issues involving Mr. Dorr's nomination, even though this is a new Congress with many new members of the Agriculture Committee, it is a new nomination and there are substantial concerns about Mr. Dorr's performance in his recess appointment. The nominee and the administration continue to stonewall reasonable efforts and requests intended to resolve the very serious unanswered issues about Mr. Dorr's fitness as a nominee for high federal office.

Indeed, during the June 18 Committee business meeting at which Mr. Dorr's nomination was reported, the Chairman would not even yield to allow the minority to debate the nomination or offer a motion for a hearing—contrary to normal practice and the Chairman's previous commitment on the record that the minority would be allowed to debate the nomination. A request for as little as three minutes to speak was denied.

Under the circumstances, we are opposed to any action on the Senate floor pertaining to the nomination of Mr. Dorr until such time as 1) the nominee furnishes requested information that would clear up serious questions about his honesty and integrity in financial dealings with USDA and his truthfulness and veracity in sworn testimony to a Senate Committee and 2) a hearing under oath is held on Mr. Dorr's nomination according to Committee rules and normal practice.

—
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2003.

Hon. THAD COCHRAN,
Chairman, Agriculture, Nutrition and Forestry
Committee, U.S. Senate, Washington, DC.
Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and
Forestry Committee, U.S. Senate, Wash-
ington, DC.

DEAR SENATORS: At the request of members of the Congressional Black Caucus, I am providing you with a copy of a letter which outlines the reservations many of us have regarding the nomination of Thomas Dorr for the Undersecretary of Rural Development at United States Department of Agriculture.

Please find the enclosed letter for your information. If additional information is required, please contact me.

Sincerely,

BENNIE G. THOMPSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 23, 2001.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture,
Nutrition, and Forestry, Russell Senate Of-
fice Building, Washington DC.

DEAR SENATOR HARKIN: We are writing today to register our deep concern regarding the proposed nomination of Tom Dorr for the Undersecretary of Rural Development at the US Department of Agriculture. Recent developments have cast doubt upon the Mr. Dorr's ability to serve all American farmers in a way that is sensitive to their needs and struggles.

In particular, we are disturbed by recent remarks attributed to Mr. Dorr regarding ethnic diversity and economic development. On May 10, the DesMoines Register quoted Mr. Dorr as saying the following:

"This is not at all the correct environment to say this, but I think you ought to perhaps go out and look at what you perceive the three most successful rural economic environments in this state . . . you'll notice when you get to looking at them that they're not particularly diverse, at least not ethnically diverse. . . . There's something there obviously that has enabled them to succeed very well."

Given the past record of the United States Department of Agriculture on matters of ethnic diversity and civil rights, we are shocked to learn that the proposed nominee would express the belief that ethnic diversity is an impediment to economic growth. Mr. Dorr's nomination for a position that would require him to work in counties with extensive ethnic diversity makes it difficult for us to understand, much less reconcile ourselves to, such seemingly insensitive statements.

The Congressional Black Caucus has long worked to ameliorate USDA's historic bias against minority farmers and to improve the capacity of USDA to work with minority and economically disadvantaged farmers. Given the ongoing efforts that many members of this caucus have made in this regard, it is possible, even likely, that to confirm Mr. Dorr as the Undersecretary for Rural Development without a deeper investigation into his sentiments regarding ethnic diversity would send the message that the Administration lacks an adequate commitment to civil rights and minority farmers.

Additionally, we have reservations about reports that Mr. Dorr has proposed that the future of American farming lies in mega-farms of 225,000 acres. As the American agricultural sector becomes increasingly concentrated and mechanized, small and medium size farms are already finding it difficult to compete with larger and more powerful agricultural operations and interests. In recent decades small farmers, especially minority farmers, have slowly disappeared as our agricultural system has increasingly become dependent upon a small number of large farms.

As large farms have gained marketshare, there has been no commensurate improvement in the fortunes of small and medium farmers. If they are able to stay in business at all, many of these farmers are forced to fight for an ever dwindling share of the agricultural market. In addition, those who are unable to maintain the economic viability of their farms find themselves faced with limited off-farm employment and educational opportunities.

Rather than accepting the demise of the small farmer as a historical inevitability, it is critical that the Department of Agriculture seek ways in which to harness new and creative means by which to ensure that farms of all sizes can flourish. The future of rural America need not reside only in ever increasing economies of scale and market

concentration. Rural America faces struggles that go considerably beyond the fields. Rather, it faces issues of crumbling infrastructure, lack of planning capacity, out-migration of youth, and a growing digital divide between urban and rural communities. Any policy for rural America which does not recognize the interplay of these many complex and intersecting concerns does rural America injustice.

As you move forward with the consideration of the nomination of Mr. Dorr for the Undersecretary of Rural Development at USDA, we urge you to carefully consider the concerns that we have enumerated here. In particular, we urge you to delay confirmation until you have an adequate satisfaction that Mr. Dorr has the requisite expertise and sensitivity to enable him to address the broad range of needs and issues facing rural America, particularly issues relating to ethnic diversity and small farms.

Sincerely,

THE CONGRESSIONAL BLACK CAUCUS.

Mr. HARKIN. How much time re-
mains?

The PRESIDING OFFICER. Six min-
utes.

Mr. COCHRAN. I am pleased to yield
12 minutes to the distinguished Senator
from Iowa, Mr. GRASSLEY.

Mr. GRASSLEY. Madam President, we have heard about the past and Tom Dorr. I will speak about the present and the future because all the statements about the past are not in any way reflected in the year and a half that he served as Acting Under Secretary.

Madam President, I rise this morning to support the confirmation of Under Secretary Thomas Dorr.

I know this man. I know what he stands for. I know what he has accomplished. Tom Dorr is a fourth generation "dirt under the fingernails" family farmer. He is a man of vision, a successful farmer and business operator. He possesses outstanding financial and business expertise. He is a community leader and person of character. He is one of the best, in my opinion, thinkers on rural policy issues.

I respect what he has done with USDA's Rural Development mission area. USDA's Rural Development is one of the most vital mission areas in the U.S. Government for rural areas of this country, like those of my home State of Iowa.

Rural America is home to 65 million Americans. USDA's Rural Development implements programs that aid in the development of the infrastructure, and provide assistance for housing and business development opportunities essential to rural America.

This position requires a leader and manager with vision, foresight, and leadership skills. President Bush appointed such a leader over 15 months ago. President Bush wants Tom Dorr confirmed to that position in order that he may continue to provide him guidance.

Because of his recess appointment, we have a track record by which to judge Tom. Tom has served 15 months as the Under Secretary for Rural Development. I, as have many of you,

have heard from not only Secretary Veneman and others at USDA of Mr. Dorr's accomplishments, but also from career staff, and groups who originally had concerns. They talk about his leadership, his vision, his intellect, and most importantly, his commitment to rural America. When I hear of comments like this from his peers and those who work with him, I take particular note. Let me illustrate some of the results that have been brought to my attention.

No. 1, he expedited the release of \$762 million of water and wastewater infrastructure funds provided in the 2002 farm bill in just 3 months.

No. 2, he led the effort to complete the rulemaking process in order that the \$1.5 billion broadband program could begin taking applications this year. He believes that if Americans are to live locally and compete globally, that it is as imperative to wire the country for technology access as it was to electrify it over 60 years ago.

No. 3, in order to facilitate the review and announcement of the \$37 million in value-added development grants, he is using private-sector resources to expedite the process.

No. 4, in order to deliver the financial grants authorized through the Delta Regional Authority, he helped develop and get signed a memorandum of understanding between Rural Development and the Delta Regional Authority. This will allow Rural Development to assist in delivering joint projects at no added cost to the DRA.

No. 5, he facilitated the development of a memorandum of understanding, signed last June by Secretaries Veneman and Martinez, between the Department of Agriculture and the Department of Housing and Urban Development that is focused on better serving housing and infrastructure needs.

No. 6, he has developed a series of initiatives with HUD that will allow Rural Development to more cost effectively meet the housing needs of rural America. These have allowed the Department to provide greater access to housing for all rural Americans, but especially minority rural Americans in fulfillment of the President's housing initiative.

No. 7, he has initiated a review of the Multi Family Housing program. This includes the hiring of an outside contractor to conduct a comprehensive property assessment to evaluate the physical condition, market position, and operational status of the more than 17,000 properties USDA has financed, all while determining how best to meet the needs of the underhoused throughout rural America.

No. 8, he has initiated a major outreach program to insure that USDA Rural Development programs are more easily made available to all qualified individuals, communities and rural regions, and qualified organizations.

Although this is an incomplete list of his accomplishments, it is easy to see that Under Secretary Dorr has done a

great job in the short 15 months that he has served at Rural Development. Why folks want to let him go now is beyond me.

I have known Thomas Dorr for many years and expected this kind of performance. I have also been very impressed with his ability to articulate a vision for rural America, when he appeared before my Senate Finance Committee in August, representing President Bush's programs.

In addition, I am not the only person that has been impressed by Tom's work at USDA. Listen to these testimonials:

Secretary Dorr has been an invaluable resource in helping us build new and complementary relationships within and without USDA, the 1890's and farmers in distress.

That is a quote from Dr. Clinton Bristow, chair of the Council of 1890 Presidents and president of Alcorn State University.

Under Secretary Dorr has been the first person in this position in several years to creatively tackle the tough problems facing Multi-Family Housing at USDA Rural Development.

That is a quote from Dr. Clinton Jones, senior counsel, House Financial Services Subcommittee on Housing and Community Opportunity.

Clearly, impartial leaders are impressed with Tom Dorr's job performance.

Tom Dorr has worked as a dedicated public servant for many years in our home State. Tom Dorr served on the Iowa Board of Regents for all of Iowa's universities. This speaks volumes about Tom's ability and character. Tom also served as a member of the Chicago Federal Reserve Bank Board of Directors for two complete 3-year terms, the maximum allowed. Tom also served as an officer and director of the Iowa and National Corn Growers Associations in the beginning stages of the push for ethanol and renewable energy.

Under Secretary Dorr has done an exemplary job at USDA. No one denies this. This is no surprise to those of us that know him or have worked with him in the past. The only thing that has come as a surprise, related to Tom's service, are the rumors that have been generated to undermine Tom.

Due to my great distaste for perpetuating false accusations, I have great reluctance even addressing these malicious points, but because of the fact that these issues have been raised, I will quickly address them.

The first false accusation: There is an issue with farm program payments to a family trust associated with Tom's farming operation. Tom's father and uncle each established a trust in the late 1970s to insure the family farming operation continued, and more importantly that Tom or any of his eight siblings and his uncle's five children might also farm if they wished.

When established, the trusts and the farm operating company were consistent with the provision of the farm

bill. However, with the change of farm bills, there were questions raised whether the operations exceeded payment limitations. Rather than incur the legal costs to challenge to defend their structure, which would have been more costly, the family trust repaid \$17,000 and changed their farming operations as recommended by the county FSA committee.

Further, and as a result of his nomination process, a nonpartisan IG investigation found that Tom nor any of his family members had done anything wrong. This opinion is consistent with the conclusions reached during two reviews by USDA under both the Clinton and Bush administrations. Tom Dorr has been cleared of any wrongdoing regarding farm payments by both Republicans and Democrats.

Second false accusation: Tom Dorr supports big farms, not family farms. I talked with Tom about this accusation because I am adamantly opposed to the concentration and consolidation occurring in rural America and I wanted to hear his explanation.

In 1998, Tom Dorr was interviewed by the New York Times and asked to provide his vision of efficient farming. With his strong understanding of economics, he explained his ideas for the use of new technologies to take advantage of input discounts. He also spoke about the ability to enhance machinery and logistics savings between family farmers, and to improve commodity marketing by establishing technology driven arrangements between cooperative groups of family farmers.

This is certainly not a new concept. This is the principle on which cooperatives were based and formed. Tom felt that there were more opportunities for cooperative efforts that farmers could take advantage of, including more efficient use of expensive harvesting and processing equipment. That is exactly the challenge that many new generation cooperatives are undertaking. We should appreciate new and bold thinking rather than criticize those the suggest new ideas or concepts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I need maybe 2 more minutes.

Mr. COCHRAN. Madam President, before yielding further time, I ask unanimous consent that the time for debate prior to the cloture vote be extended by 15 minutes, to be equally divided in the usual form. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I yield an additional 2 minutes to the distinguished Senator.

Mr. GRASSLEY. Finally, the third, and most egregious, false accusation: Tom is a racist.

This hurts me to even say it. From the projects listed earlier to the comments I read you, it is clear that Tom has demonstrated the ability as well as understands the importance of working

to empower the underserved and underutilized minority communities.

Simply put Tom Dorr is no racist, and anyone who has worked with or around him knows that. The comment that has been manipulated to generate this accusation, made during a forum at Iowa State University, was taken out of context.

I have not yet met or had any participant of this conference tell me that he or she believes Tom's remarks were meant to promote a lack of diversity. Quite the contrary, his actions while at USDA have served to show anyone who is interested that he is insightful and extremely sensitive to the ongoing issues of the minority populations that are underhoused, underbanked, and in general, underserved.

If anyone should question Tom's service at USDA, all you need do is visit with former Congresswoman Eva Clayton, Dr. Clinton Bristow, Ralph Paige, executive director of the Federation of Southern Cooperatives, and see what they think of Tom Dorr.

Tom Dorr is the person for the job. His background, recommendations, and now his track record more than provide justification for him to be confirmed as the Under Secretary for Rural Development.

Tom has already suffered a terrible disservice through the political witch hunt to which he has been subjected. It would be outrageous if rural America were to be deprived of the leadership and talent that President Bush has provided for this terribly important position. Rural America is regaining its economic, social, and cultural momentum. It would be a shame to deprive it of leadership at this critical juncture.

Madam President, I urge my colleagues to vote for cloture and to support the ultimate confirmation of this committed and talented leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, I will use leader time so as not to take from the time that is currently allotted in the debate.

Let me first begin by saying how much I admire the distinguished senior Senator from Iowa. I have applauded him publicly and privately for weeks, if not months now, for all of his work on a number of issues that I care a great deal about and find myself in the uncomfortable position in this case disagreeing with him with regard to this nomination. But I admire him for many other reasons.

I also must say I am very grateful for the effort made by Senator HARKIN over the course of the last 2 days to educate us all with regard to this particular nominee. The concerns he has raised are ones that I share.

This is the first time, he told me last night, in I think he said 29 years, where he has ever opposed a nominee from Iowa. I know he doesn't do it lightly. I know he does it after a great deal of very careful thought about this man's qualifications.

Before I talk about the qualifications of Mr. Dorr, let me say we have a lot of good people down at the Department of Agriculture. They are Republicans. They are Democrats. They are Independents. They care a lot about rural America. They do their best to implement the laws we write, to regulate where regulation is required.

I believe we ought to salute them and thank them for the job they do. I am always appreciative of the extraordinary task they have been charged with implementing, given how little fanfare and how little thanks they oftentimes get. That is especially true for the FSA offices in every county in most of our States. So I salute them.

I am disappointed this matter has reached the Senate floor at all. I have two concerns about Mr. Dorr. The first is the one expressed very eloquently and powerfully last night. I think it sends all the wrong signals when a person who has falsified documents can be confirmed for one of the highest positions in the Department of Agriculture. We are told he wasn't prosecuted for having falsified documents, but we also know the reason he wasn't prosecuted is that the statute of limitations had run out. People hadn't fully been apprised of the circumstances until it was too late. That is the fact.

Falsifying documents in this day and age, given all of the repercussions legally and ethically in the Department of Agriculture as well as throughout the entire Government, ought to be taken very seriously. To promote somebody who falsifies documents not only destroys the credibility and the essence of our understanding of the respect for the rule of law but sends a clear message to others who are expected to abide by the law and the regulations of the land.

Falsifying documents is wrong. There can be no explanation. There can be no acceptance. And there ought to be no tolerance. There certainly should be no confirmation of someone who has been found in violation of the regulations with regard to those documents and the regulations provided by the legislation we have passed into law.

The second is the divisive nature of some of his views. To say that those counties succeed in large measure where there is no diversity, where there is no ethnic or religious difference, sends again the wrong message about the importance of embracing diversity, of embracing the kind of differences we find in our country to be a strength rather than a weakness.

I am not sure what he had in mind when he said it. In fact, he even recognized, as he was about to say it, that maybe he shouldn't have said it. Well, he was right. But, again, whether it was a comment or whether it is his philosophical approach, if we are going to discourage diversity, discourage ethnicity, discourage religious tolerance, that, too, raises grave questions about the eligibility of somebody of this stat-

ure in the Department of Agriculture or in the Federal Government under any circumstances.

I can't recall the last time I opposed a nominee for the Department of Agriculture for anything. In 25 years, I think I have supported virtually every nominee, Republican and Democrat.

I come to the floor, like my colleague Senator HARKIN, expressing regret that we have to be here at all, expressing regret that this nominee has reached this point, expressing regret that a nominee of the stature required for this position has falsified documents and used rhetoric that goes beyond what I consider to be the acceptable tenor of debate and approach with regard to diversity and the acceptance of our multiracial and multicultural society today.

I hope my colleagues will join us in recognition that we can do better than this and that we need, at those times when we find somebody who is not qualified, to simply say so. It is incumbent upon us to take the responsibility to do that. That is our task this morning as we vote.

I urge those who will vote to vote no on cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Madam President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen minutes, 43 seconds.

Mr. COCHRAN. Madam President, I yield 5 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me first of all say that while I appreciate the comments of the minority leader, I don't believe it is accurate to make some of the accusations in terms of destroying records. It is my understanding that the Farm Service Agencies have said that after examining it, there was no intent to deceive. It was something that was done in error and good faith or however you want to characterize it.

I don't want to see happening here what appears to be happening in a similar way to the nominee to be Administrator of the EPA. Certainly Mike Leavitt was one of the most qualified individuals, and yet his nomination was strung out for days and days and weeks. It ended up at 56 days. I hope we are not going to get so partisan that this happens again in this case.

I believe Tom Dorr has completely resurfaced USDA Rural Development. As Under Secretary, Dorr has set a clear vision for USDA Rural Development as a venture capital firm for rural America. The agency once was thought of as the lender of last resort, but the mindset has been changed to one where employees aggressively seek out investments to make in people and in organizations.

I am really pleased when I see what has happened in the State of Oklahoma. We have never had anyone who

has performed like Tom Dorr has performed there. All I hear from Democrats and Republicans all around the State is what a truly great job he has done.

For example, 3 years ago my State had \$29 million in guaranteed housing loans but, thanks to Tom Dorr, last year we had \$60 million. It doubled, to the people who are really deserving of it, and now we have more and more Oklahomans who own their own homes rather than rent them.

In addition, since Tom Dorr has been the Under Secretary for Rural Development for the USDA, the amount of business loan programs in my State of Oklahoma has doubled. Both housing and loan programs have actually doubled in my State.

I would like also to go back to the people who speak to the real people out there, not the politicians, not people who somehow think they can have some kind of a gain if they can kill one of the President's nominees. Look at the National Corn Growers Association, the board of directors stated in a letter to Senator TOM HARKIN—this is a quote from the National Corn Growers Association; all those farmers out there who grow corn belong to this:

The Department [of Agriculture] needs a leader like Tom Dorr to help breathe life into an agency whose future role will be to positively facilitate change in the farm economy.

The Wheat Growers Association—my State is a big wheat State, and we have an interest in this. You go out and see these people. These people are just trying to survive right now, and yet they are just praising the work of Tom Dorr.

The Wheat Growers said in a letter to TOM HARKIN:

We encourage you to unite behind Tom Dorr as Under Secretary of Rural Development. He encompasses the creativity that can bring hope in stemming the exodus of people from our rural countrysides because of lack of economic opportunity.

That is all we are trying to do in Oklahoma is survive. Our farmers are trying to survive out there.

This is Terry Barr from the National Council of Farmer Cooperatives, the co-ops—I don't know what we would have done—who said:

We understand the Senate may soon consider the nomination of Thomas Dorr as Under Secretary of Agriculture for Rural Development . . .

Rural development and related programs carried out by the United States Department of Agriculture are of vital importance to farmers and their cooperatives. These include programs aimed at encouraging and promoting the ability of farmers to join together in cooperative efforts to improve their income from the marketplace.

Again, this is the National Council of Farmer Cooperatives:

Mr. Dorr, we believe, has demonstrated that he has the background, experience and understanding necessary for success in this important position of leadership.

We urge the Senate to confirm his nomination.

So you hear from all the users out there and from the farmers—those indi-

viduals out there who are trying to survive.

Also, keep in mind one other thing. Thomas Dorr came from a small farmer community. He understands how they think. I think it is critical that we confirm him as soon as possible.

To reiterate, on March 22, 2001, President Bush announced his intention to nominate Tom Dorr of Marcus, IA, to serve as Under Secretary of Rural Development for USDA. Two and a half years later, his nomination is still pending.

This is obstruction. Thomas Dorr is not the only nominee being blocked for confirmation. As chairman of the EPW Committee, I dealt with this same problem—obstruction—with the nomination of Governor Mike Leavitt to be administrator of the EPA.

This is about politics, not nominees. Thomas Dorr is more than qualified to hold the position of Under Secretary for Rural Development of the U.S. Department of Agriculture. I don't think anyone has questioned that the motivation for these delays was partisan presidential politics.

Apparently nominations are no longer about a nominee's qualifications and support, but simply about partisan politics.

Americans expect and want the Senate confirmation process to be thoughtful and thorough, but they certainly don't think it should drag on year after year.

Tom Dorr has completely resurfaced USDA Rural Development. As Under Secretary, Dorr has set a clear vision for USDA Rural Development as the venture capital firm for rural America. The agency was once thought of as the lender of last resort, but the mindset has been changed to one where employees aggressively seek out investments to make in people and organizations that will fulfill the mission.

Under Secretary Dorr ran his farm and business from a small town so he understands well the needs of rural America, including the need for technology to allow these communities to compete. He believes that broadband is as meaningful to rural America today as rural electrification was in the mid-20th century. He led the effort to complete the rulemaking process and begin accepting applications for the new broadband program. Through his efforts, \$1.5 billion is available this year to help build rural technology infrastructure.

The list of improvements that increased economic opportunity and improved the quality of life in rural America that were spearheaded by Tom Dorr is endless.

He has tackled the very complicated and difficult problems involved in the Multi Family Housing Program, that, according to the one congressional staffer, "were ignored by all previous Under Secretaries"—he believes all rural citizens deserve safe and secure housing.

Dorr initiated an aggressive marketing program to extend the outreach

of USDA Rural Development programs to more deserving rural Americans and qualified organizations, especially minorities.

In addition, he is proponent of renewable energy, which led to millions of dollars in grants to develop renewable energy sources; he has greatly boosted the morale of USDA Rural Development employees; has greatly aided in the development of community water/wastewater infrastructure—and the list goes on and on.

For my State of Oklahoma, the strong leadership at the top of Thomas Dorr has resulted in an increase of millions of dollars in rural development.

For example, 3 years ago my State had \$29 million in guaranteed housing loans, but thanks to Tom Dorr, this last year Oklahoma had \$60 million in guaranteed housing loans. That represents an increase of \$31 million worth of Oklahomans that now own their homes rather than renting them.

In addition, since Thomas Dorr has been the Under Secretary of Rural Development of the USA, the State of Oklahoma's amount of business loan programs has doubled from \$15 million to \$30 million.

Tom Dorr has gained support from a spectrum of organizations and individuals: The National Corn Growers Association Board of Directors stated in a letter to Senator TOM HARKIN: "The Department [of Agriculture] needs a leader like Tom Dorr to help breathe life into an agency whose future role will be to positively facilitate change in the farm economy."

In another letter to TOM HARKIN, the President of the National Association of Wheat Growers stated: "We encourage you to unite behind Tom Dorr as Under Secretary for Rural Development. He encompasses the creativity that can bring hope in stemming the exodus of people from our rural countryside because of lack of economic opportunity."

However, surprisingly enough, TOM HARKIN is one of the main reasons Tom Dorr's application is still pending today.

In a letter to Senator BLANCHE LINCOLN, the USDA Assistant Secretary for Civil Rights points out that Tom Dorr is a leader in the advancement of civil rights: "I have no vested interest in seeing individuals advance in this administration who I fear will hamper the progress of civil rights within the USDA. Mr. Dorr is not such an individual. If confirmed, I believe that Mr. Dorr would continue to work with me to advance civil rights at USDA."

It is obvious that Tom Dorr is the most qualified person for the position of Under Secretary of Rural Development for the USDA. He has completely turned around the USDA office of Rural Development, and has clearly gained praise from all sorts of individuals, agencies, and organizations. Do not let this man fall victim to partisan politics.

Mr. CRAPO. Madam President, I rise today in support of Tom Dorr and to urge my colleagues to vote for cloture.

As chairman and one-time ranking member of the Agriculture Subcommittee on Forestry, Conservation, and Rural Revitalization, I have had the opportunity to work with Tom Dorr from the time he was nominated in April 2001, and I have had the pleasure of working with him for the past year in his capacity as Under Secretary of Rural Development.

I would like to share with my distinguished colleagues some of the comments that I have received from people in Idaho about Tom Dorr's efforts: "He has a real passion for rural America," "He has vision and courage," "It would be a real loss if he is not confirmed," "there is confidence in his clear vision for how Rural Development can help rural America". "He is providing real leadership, and has the trust of everyone that works here."

Mr. President, Tom Dorr has what we look for in our Under Secretaries, vision and leadership. He is making real changes at USDA that will benefit the rural citizens of my State and the country.

One of my priorities has been to help bring and build jobs in Idaho, particularly in rural Idaho. Tom Dorr shares those priorities and is working to build on USDA Rural Development's capacity as a jobs creation agency.

He recognizes that building the infrastructure to attract and develop long-term growth is vital to the well-being of the communities.

Many of us choose to live in rural America for its values, community, and character. We need to work to ensure that those who wish to live in rural America can. The jobs need to be there and the infrastructure needs to be there. Tom Dorr recognizes that.

In 2001 when Tom was first nominated for this position, and in 2002 when the Senate first began to consider his nomination, I was convinced that he was qualified to lead the agency.

Since the President appointed him during the August recess last year, he has proved that he is qualified to lead the agency.

To those who would argue that the Senate needs more deliberation, I say that the Senate has deliberated long enough.

Tom Dorr was first nominated in April 2001. A hearing was held in March 2002, after three previously scheduled hearings were cancelled. Prior to the committee reporting out his nomination, he answered hundreds of questions from Committee Members. In fact, the committee's ranking member requested more than 1,000 documents or pieces of information.

When the committee considered his nomination this year, it reported him out by a vote of 14 to 7. Did we report him out in one day, no. At the confirmation hearing, the ranking member was given the opportunity to expound on why he opposed the nominee, and he

did so until the committee no longer had a quorum.

Madam President, Tom Dorr has been available for questioning and we've had the opportunity for oversight since his nomination in 2001 and his appointment in 2002.

Throughout this process, some have sought not to deliberate on his nomination, but to delay it in the hopes it might whither on the vine.

I ask my colleagues for an up or down vote on his nomination. He deserves it. And, I believe, the country deserves his leadership.

Mr. BIDEN. Madam President, today I am voting against ending the debate on the nominations of Thomas C. Dorr to serve as the Under Secretary for Rural Development at the Department of Agriculture and also as a member of the Commodity Credit Corporation because I believe it is premature for this body to be voting on the appropriateness of Mr. Dorr to assume these positions. This is an unusual step for me, but, then again, this is a very unusual situation.

I have long recognized that a President should generally be entitled to have executive branch agencies run by the people he chooses. While his selections should be given considerable deference, the President's power of appointment is limited by the duty of the Senate to provide "advice and consent." Throughout my tenure in the Senate, I have supported countless nominees for Cabinet and other high-level positions, including many with whom I have disagreed on certain policies, but I have also cast my vote against confirmation when I have become convinced that the nominee is not suitable to fill the role. In this instance, I do not believe the Senate has all the facts that are necessary to make an informed judgment.

During this confirmation process, serious questions were raised about misrepresentations made by Mr. Dorr to the U.S. Department of Agriculture regarding his farming arrangements with two family trusts in an effort to secure farm program payments, and the subsequent restitution made to the Federal Government of nearly \$34,000. Rather than resolving these questions, last year's hearing on this nomination held by the Senate Agriculture Committee raised additional and disturbing questions, and the nominee thereafter failed to supply documents that might remove the cloud over this matter.

That is why last June, I joined many of my colleagues in the Senate in urging the majority leader to withhold further Senate action on these nominations until the nominee furnished the requested information to clarify the important questions raised about his integrity in financial dealings with USDA and his truthfulness and veracity in sworn testimony before the Senate committee. I am disappointed that, rather than helping to secure a resolution of these serious issues, the majority leader has chosen to move these

nominations forward. As such, I am left with no recourse other than to oppose cloture on these nominations.

Mr. FEINGOLD. Mr. President, I rise today to speak on the nomination of Thomas C. Dorr as Under Secretary for Rural Development and as a member of the Commodity Credit Corporation board at the Department of Agriculture (USDA). The position at USDA to which Mr. Dorr has been nominated is highly influential in the continued development of rural America, holding the unique responsibility of coordinating Federal assistance to rural areas of the Nation.

Many people, when they think of rural America, may think of small towns, miles of rivers and streams, and perhaps farm fields. But I know that rural Wisconsin is also characterized by communities in need of firefighting equipment, seniors who need access to affordable healthcare services, and low-income families in need of a home. The U.S. Department of Agriculture's Rural Development programs and services can help individuals, families, and communities address these and other concerns, which is why the office of Under Secretary for Rural Development is so important.

I have deep concerns regarding Mr. Dorr's comments and opinions about the future of rural America, particularly in light of his nomination to this important post. I disagree with Mr. Dorr's promotion of large corporate farms and his vision of the future of agriculture. Nevertheless, when it comes to confirming presidential nominees for positions advising the President, I will act in accordance with what I feel is the proper constitutional role of the Senate. I believe that the Senate should allow a President to appoint people to advise him who share his philosophy and principles. My approach to judicial nominations, of course, is different—nominees for lifetime positions in the judicial branch warrant particularly close scrutiny.

So, although I may disagree with Mr. Dorr's views on agriculture issues, I am not prepared at this point to oppose Mr. Dorr's nomination on those grounds. However, those are not the only grounds to oppose the nomination. I also have strong reservations about Mr. Dorr's public comments on issues of race and ethnicity and I am troubled by Mr. Dorr's apparent abuse of the Government's farm programs.

Furthermore, Mr. Dorr has not yet provided information to the Senate Committee on Agriculture, Nutrition, and Forestry that has been requested of him. This information would clarify questions about his honesty and integrity in financial dealings with the Department of Agriculture as well as in sworn testimony to the Committee. I am concerned that Agriculture Committee rules and practice were apparently not followed with respect to the nomination hearing of Mr. Dorr. I am not alone in expressing these sentiments—I joined with forty-two of my

colleagues, led by the ranking member of the Agriculture Committee, in conveying these concerns to the majority leader.

The Senate should not be forced to vote on a nomination before we have all of the information that we feel is needed to make an informed decision. There may be good explanations for Mr. Dorr's testimony and answers, but the Senate does not have them yet. And we should get them before we vote on the nomination. I will therefore vote no on cloture.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I am pleased to present to the Senate the President's nomination of Thomas Dorr to serve as the Under Secretary of Agriculture for Rural Development and to be a Member of the Board of Directors of the Commodity Credit Corporation. The President appointed Mr. Dorr to the position of Under Secretary of Agriculture and Rural Development during Senate recess on August 9, 2002.

Following the August recess of 2001, the nominations were resubmitted by the President, and received in the Senate on September 4, 2001.

The President then resubmitted the nominations to the Senate on September 30, 2002; again the nominations were not acted upon and consequently returned to the President on November 20, 2002.

Following the adjournment of the 107th Congress, the President once again resubmitted Mr. Dorr's nominations on January 9, 2003 for consideration during the 108th Congress.

Obviously, the President believes Mr. Dorr to be qualified for this post, and Mr. Dorr's record during the appointment to the position certainly supports the President's confidence in him. While serving in the position of Under Secretary of Agriculture for Rural Development, Mr. Dorr has performed his duties in a way that has reflected credit on the Administration of President Bush. He deserves to be confirmed.

Specifically, Mr. Dorr has helped expedite the release of \$762 million to help reduce the backlog of community water and wastewater infrastructure applications.

Mr. Dorr led the effort to complete the rulemaking process and begin accepting applications for the new program to provide broadband Internet access to rural communities.

He has utilized private sector resources to help expedite the review and announcement of \$37 million in Value Added Agriculture Product Market Development Grants.

Mr. Dorr has been instrumental in facilitating the pending agreement between the Small Business Administration and USDA Rural Development on the new Rural Business Investment Program created in the Farm Bill.

Under his stewardship, more rural families own homes where they live in safety and comfort: Mr. Dorr has worked with Congress to convert \$11

million in carryover housing funds to support \$900 million in new funding for guaranteed loans—creating an additional 12,000 homeownership opportunities.

He worked to help the families of economically distressed areas in the Southwest colonias through a formal agreement with the Department of Housing and Urban Development.

He has insisted on fairness to improve accountability and performance on minority homeownership loans by working with the Department of Housing and Urban Development, the Federal Housing Authority and Veterans Affairs in development of consolidated minority tracking reports.

Madam President, the committee has received numerous letters supporting this nomination.

For the benefit of Senators and for their information, I am going to point out a few things contained in the letters that I think are particularly persuasive and support this nomination.

This is a letter that is signed by 14 different agricultural commodity groups and organizations, and by the American Farm Bureau Federation:

Mr. Dorr has proven that he has the skill and experience necessary to lead USDA's rural development efforts.

Another letter, written by a constituent from my State, a copy of which was given to all members of our committee, written by Dr. Clinton Bristow, the president of Alcorn State University at Lorman, MS. He wrote in his capacity as chair of the Council of 1890 Presidents and Chancellors. In his letter supporting this nomination he said:

Secretary Dorr has been an invaluable resource in helping us build new and complementary relationships within and without USDA. . . .

Most recently, he represented the department at a town hall meeting for small farmers voices, sponsored by the council and held at Alcorn State University. More than 200 farmers from the delta area attended the forum—unashamed and relentless farmers who represent the bottom of America's agricultural industry.

In spite of the challenge, Tom was supportive in guiding the farmers through the economic and political realities of the global marketplace and helping them to understand the makeup of programs and the allocation of resources at USDA. He has set stage for sustained dialog between USDA, the 1890s, and farmers in distress. This represents only a snapshot of the many challenges that Under Secretary Dorr has helped us negotiate.

Madam President, another letter from William C. Hunter, senior vice president and director of research at the Federal Reserve Bank of Chicago. He says:

As an African American, I can honestly say that I have never felt uncomfortable in Tom's presence. I have never heard him offer disparaging remarks about people of color, the intrinsic value of diversity, or about small farmers, for that matter. He is bright, articulate and personable. He accepts critical comments well and is not afraid to speak his mind and demonstrates rigorous economic thinking at all times.

Finally, he has a deep understanding and appreciation of issues confronting our rural and agriculture communities.

I have additional letters by the National Corn Growers, National Association of Wheat Growers, and finally this letter from the National Rural Electric Cooperative Association:

Mr. Dorr's frankness in addressing the issues facing electric cooperatives is much appreciated. We have no reservations regarding Mr. Dorr's confirmation.

That is signed by Glenn English, chief executive officer.

There are additional comments that we gleaned from newspapers, including an editorial supporting the nomination by the Des Moines Register editorial board. There are numerous other editorial comments in support of the nomination. Here is one entitled "Informed Iowans should support Tom Dorr" from the Sioux City Journal. There is an opinion piece in that newspaper, also. Here is something from the World Perspectives newsletter strongly supporting the confirmation of Tom Dorr. Here is another from the Webster Agricultural Letter, which is an interesting discussion of the political confrontation that is reflected in this nomination in opposition to it. Also, here is a copy of the National Review Online, with a description of the controversy over the Dorr nomination but coming down in support of his confirmation.

I ask unanimous consent copies of these editorials and newsletters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the DesMoinesRegister.com, June 3, 2002]

EDITORIAL: MAKE A DECISION ON DORR

Every shred of evidence of alleged wrongdoing by USDA nominee Thomas Dorr has been pursued. To the point of tedium. It is time to move on: Senator Tom Harkin should quit holding Dorr hostage.

Dorr is a Marcus, Ia., farmer and agribusinessman who was appointed months ago by President Bush to be U.S. undersecretary of agriculture for rural development. Harkin is chairman of the Senate Agriculture Committee, which must decide whether to send Dorr's nomination to the full Senate for a confirmation vote.

Questions have been raised about Dorr's fitness for the job. Some of those questions are matters of philosophy that, like it or not, should be of no concern to the Senate. On appointments within the executive branch, the president should have wide discretion in staffing his administration with people of his choosing, even if that means confirming individuals some senators find distasteful.

Some questions—namely whether Dorr broke any rules when receiving federal farm payments—are relevant, but they seem to have been answered now that the USDA's inspector general has closed the books on its inquiry after finding insufficient evidence to pursue criminal charges.

Harkin may have good reason to persist in raising questions about whether Dorr properly followed the rules in receiving crop-subsidy payments: Just because there's insufficient evidence to warrant a criminal investigation does not mean Dorr's skirts are clean. Harkin should not, however, use that

as an excuse to hold the Dorr nomination in limbo.

That is what the Republicans did to Clinton administration nominees for everything from surgeon general to the federal courts. It was wrong when the Republicans ran the Senate; and it is wrong now that the Democrats are in control.

Harkin owes it to Dorr and to the White House to move forward. Give Dorr another opportunity at another hearing to answer any and all questions, and then vote his confirmation up or down.

By delaying so long, Harkin gives credence to critics who say he's only playing political games.

[From the Sioux City Journal, July 10, 2001]

INFORMED IOWANS SHOULD SUPPORT TOM DORR

(By Donald Etler)

ALGONA, IOWA.—A recent Associated Press article described a petition fronted by the National Farm Action Campaign, NFAC, and signed by representatives of 161 organizations calling for the rejection of Iowa businessman and farmer Tom Dorr in consideration of his nomination for USDA undersecretary for rural development. It is unfortunate that Dorr cannot respond in deference to the request of the White House. But, does anyone really believe the claim of the NFAC that Tom Dorr advocates one farmer for every 350 square miles or that he thinks 500 of every 501 farmers should go out of business?

I have dealt with Tom Dorr on both professional and personal levels. This man does not deserve the distorted, severe attacks upon his beliefs and character. I believe I know Tom well enough to be correct in believing that his work ethic, business sense, tenacity and moral foundation would serve rural America, and rural Iowa, quite well.

Those who choose to distort Dorr's words regarding farm program policies must be doing so solely for political reasons because as undersecretary for rural development Mr. Dorr's responsibilities would not be in areas that deal with USDA commodity programs or environmental regulations which most directly impact independent farmers. Political reasons probably explain why a website has been set up where with the click of a button a letter to the editor opposing Dorr can be downloaded. Seeing this reminds me of the old West lynch mobs.

The undersecretary for rural development is primarily responsible for policies affecting infrastructure and commerce in rural communities. Ninety percent of rural America's jobs are found in those communities and not on the farms. Most of our farmers now have off-farm jobs. As our rural communities struggle to survive with an aging and shrinking population, with the exit of businesses to larger regional communities, and with the retirement of up to 25 percent of surrounding cropland under existing farm programs, rural communities should be demanding that federal rural development policies be retooled and redirected to reverse the long decline. In opposing Dorr, the NFAC empowers entrenched bureaucrats to continue failed programs to our continued harm.

Do the members of those groups that oppose Dorr's nomination truly want to hold the status quo which, in the case of the USDA rural public policy, has been ineffectual if not harmful for rural communities across the country? I believe Tom Dorr will tackle failed and misguided rural development programs from a new perspective. He will demand accountability of the entrenched bureaucracy and he will bring the new ideas and vision that are so sorely needed.

In the interests of the multitude of Iowa's struggling rural communities, informed

Iowans would be well served to support the nomination of one of our own.

[From World Perspectives, Inc., Mar. 6, 2002]

APOLLO 13 AND THE TOM DORR HEARING

(By Emily S. French)

If you're Tom Dorr, the nominee for Undersecretary for Rural Development at USDA, you know you're having a bad day when the Senate Ag Committee Chairman Tom Harkin (D-IA) says, "to quote Apollo 13—Houston we've got a problem," just prior to a two hour recess during your confirmation hearing. That is what happened today.

Already a controversial federal nominee, Dorr came under additional fire as the Des Moines Register ran an article today, citing a recorded phone conversation in which Dorr allegedly said that government officials might "raise hell" if they audited his participation in federal farm subsidy programs. The tape was sent anonymously to the Des Moines Register last month; five people familiar with Dorr, according to the paper, identified his voice in what was represented as a 1995 phone conversation. The Register made no comments on how or why the tape was made. Surprisingly, no one defending Dorr referred to the . . .

The Controversy: The Iowa Farm Service Agency (FSA) reviewed one of the many trusts belonging to various members of the Dorr clan during 1995. During the taped conversations between, allegedly, Tom Dorr and his brother Paul Dorr, Tom Dorr said that the two trusts—the Belva Dorr Trust and the Harold Dorr Trust—are operated with the ASCS (now known as the FSA), to "quite frankly avoid" minimum payment limitations.

The Ruling: The state FSA office concluded that the farm wasn't properly structured within the family trust. But that there was no scheme on the part of the family to defraud the government. A repayment of \$17,000 was ordered and made.

The Politics: The division of corporations, family farms or individuals who receive payments from the federal government under the Farm Bill program are allowed. There is nothing illegal with setting up a corporation, a limited partnership, a trust or an individual to receive payments from the federal government under this program and registering these entities with the FSA. The 1996 Farm Bill allows this under its "three entity rule" whereby one person is eligible for payments on up to three farm entities. The payment limit on the number 2 and 3 entities is half the amount on the first farm. It looks like this is what Dorr was doing, which is not surprising for any individual or company to look at all opportunities to legally maximize their operation's profitability, which would be against any economic rationale.

The Senate farm bill changes this rule. In fact, Dorr supporter, Senator Charles Grassley (R-IA) is the author of the provision that tightens down payment caps. But it seems that Chairman Harkin, who didn't have such a provision in the bill he brought to the Senate floor, is ready to try Dorr for what he did in 1995, under rules that aren't even in effect yet in 2002.

This controversy has largely replaced the flap over statements Dorr made about ethnic and religious diversity in Iowa. In case clients missed that one—Dorr pointed out that there wasn't a lot of diversity in Iowa, and specifically in a couple counties that were growing economically anyway. And he did so in response to a question, stating fact. But Dorr's opponents have used this as a means of labeling him racist—an effective and particularly damning charge that is hard to shake. It seems, however, that payment limits, racial insensitivities, etc. are just side

issues to the real reason why so many people in ag and farm policy so stridently oppose Dorr. He's a guy who openly talks about agriculture as a business that needs to be shaken up, revitalized, restructured, in order to re-capture its place in the U.S. and world economy.

WPI Analysis: This analysis is perhaps a bit more personal than usual, but it goes to a broader point about the economic future of agriculture. I will start by stating that until this morning, I had never met Tom Dorr (though several of my colleagues at WPI do know him). I knew of the controversy surrounding his appointment, but had not heard Mr. Dorr speak for himself. Instead, I had relied on translation of what his foes or friends say he said. Moreover, I should state that I grew up on a farm in Northern Idaho. There were 12 people in my high school class. I went on to attend a land-grant university. I am a product of rural America, a fact that defines me as a human being. I understand all the emotions of how "special" rural America and the ag economy are. But while I am extremely passionate about production agriculture—and the way of life that accompanies it—I chose to leave farming as a career. And, subsequently, I left rural America for better opportunities. I didn't want my future to be based on a farming operation that made a 5-6 percent return of investment in a "good" year. Tom Dorr is a guy who spent most of his career on the farm trying to wring out better returns and did a good job of it. Now he wants to come to Washington and take a job to try to change, for the better, economic opportunities in rural America.

After listening to comments from various Senators on the Senate Ag Committee, I can only shake my head in finally realizing why the farm bill has an additional \$73 billion over 10 years in payments of one kind or another. I would challenge those "decision makers" over the idea that infusing cash and protecting the small family farm is somehow saving rural America or promoting rural development. It would seem all that it is doing is making more people reliant on the government and, in fact, rather than promoting development that spending probably hinders progress. All that federal spending buys more of is the status quo; there is no need to change, diversity or become more efficient.

It's clear to me after hearing him today, Tom Dorr feels the same way—that policies need to be changed. That—not any alleged payment scandal or racial insensitivities—is why so many policy makers oppose him, including one of his own home state Senators, Chairman Harkin. When asked by Harkin to clarify his ideas, Mr. Dorr summarized technology as the one thing that would give farmers the ability to access world markets, access information and, as a result, expand farm gate margins. That doesn't sound controversial. If a producer were able to expand margins and become more efficient, perhaps there would be less reliance on the government for bloated farm bill budgets? It's only controversial if you are used to being the ones that get credit for providing those budgets.

If the USDA and the Bush Administration wants a person that understands rural development and understands the way of life in rural America, then it not be a person that has 'dirt under their fingers' as Senator Lugar said numerous times during the hearing this morning. Tom Dorr is such a person. His vision for farming, is one based on basic economics. Perhaps it is a little Darwinistic "survival of the fittest" approach, but the real irony is, as Undersecretary for Rural Development he wouldn't be in charge of farm programs or policy. No matter, there are still many Senators who think his views

on farm policy disqualify him from having a job in Washington.

In closing, it is with amazement and frustration that I note: only Senator Thomas of Wyoming asked Mr. Dorr about his vision for rural development. And this was after almost two and half hours of testimony and questions. A sad state of affairs indeed as Washington, USDA, and rural development needs more "out of the box" thinkers whom challenge the status quo.

[From the Webster Agricultural Letter, June 15, 2001]

Dear Subscriber:

Killing the messenger? Can the Senate reject a nominee for stating the obvious? . . . A federal judge will hear a challenge to a state amendment restricting corporate agriculture . . . View from the country: the disconnect between farm policy and farm reality . . . Partisan divisions are put aside as a House committee approves USDA appropriations . . . Why don't higher prices help farmers? . . . Economics trumps politics in a milk price decision.

DORR CONFIRMATION BECOMES A TEST OF POLITICAL INFLUENCE

Rarely does the Senate reject a nominee for a USDA sub-Cabinet post for expressing an opinion, let alone for telling a truth. Only three times in three decades have we seen even minimal pressure to block a nominee. Only one succeeded: the late Kathleen Lawrence asked her nomination by withdrawn in the face of bipartisan opposition (see *The Agricultural Credit Letter*, 3/20/87 P6). Family farm advocates failed to stop Bank of American executive Robert W. Long from becoming assistant secretary for research in 1973. A farm women's group persuaded only a minority of Senate Agriculture Committee remembers to oppose Carol Tucker Foreman as assistant secretary for food and consumer services in 1977.

But those are the exceptions. By and large, senators believe presidents are entitled to their choices, absent overriding scandal or ideological aberration. Neither of those factors applies in the matter instant, the nomination of Iowa farmer Thomas C. Dorr to be under secretary of agriculture for rural development. Trouble for Dorr arises from two directions: family farm advocates who challenge his vision of agriculture and minority groups who feel his remarks about diversity raise questions about his commitment to protecting civil rights.

"The level and intensity of opposition to Dorr is unprecedented, testimony to today's issue-intensity politics and the near-instant organizing proficiency of interest groups. Opponents claim more than 160 organizations have joined the campaign. Most appear to have little more than a letterhead and some Willie Nelson money but some have real members or deep foundation pockets. Among those: American Corn Growers Association, Environmental Working Group, Federalism of Southern Cooperatives, Institute for Agriculture and Trade Policy and National Farmers Organization."

The critics engage in political hyperbole, reading too much into Dorr's impolitic style of provocative comment. A more balanced appraisal sees him merely stating the obvious—even foresight—in describing the industrialization of agriculture or in asking why three Iowa counties with little ethnic and religious diversity succeeded with economic development. Assuming he can take the heat and Secretary of Agriculture Ann M. Veneman and the White House stand fast (so far no evidence to the contrary) Dorr should make a persuasive case at a confirmation hearing. He might adapt a line from Purdue's Mike Boehlje: "I'm not saying I like what

I'm saying; I'm saying 'this is'." Scheduling a hearing depends on when the Senate agrees on rules to organize committees. Whether he's confirmed will test whether the political clout of his critics equals their formidable skill at using the news media.

Despite higher payments and marketing loan gains under the Senate bill in the first two years, the House version would favor the major program crops—by an average of \$206 million a year over five years or \$799 million a year over a decade. Soybeans would gain more under the Senate bill while corn, wheat, cotton and rice would gain more under the House.

"FAPRI estimates the Senate bill would result in slightly more acreage planted to major crops than the House bill, with the largest increases for wheat and feed grains. The Senate's payment limitations could have proportionally larger effects on cotton and rice producers than on producers of other crops. Senate dairy provisions would mean slightly higher average returns (14 cents per cwt.) to milk producers in 2002-06 than the House, with a greater boost in returns to farmers in the Northeast than in the rest of the country."

FAPRI calculates a chance of about one in three that either would cause the United States to exceed World Trade Organization limits on amber box subsidies but the probability would decline in later years. Federal spending on commodity and conservation programs over the next 10 years would increase by \$59.8 billion for the House bill and by \$63.5 billion for the Senate bill. The Senate bill would result in higher government costs in 2002 and 2003 while the House bill would mean more spending in seven of the next eight years.

KILLING THE MESSENGER? VISIONARY'S FOES HOPE TO EXTINGUISH A VISION

After persistent, mostly hostile questioning in a Senate Agriculture Committee hearing Wednesday, prospects for confirmation of Iowa farmer Thomas C. Dorr as under secretary of agriculture for rural development nominee are up in the air. But committee approval may not be as doomed as some think—USDA and White House lobbyists need to convince only one Democrat to join what likely will be 10 solid Republican votes to move the nomination to the floor, where a single opponent could, using a Senate prerogative, delay a vote indefinitely.

Given the first opportunity since his nomination last April to rebut allegations, Dorr clearly won the day on the merits. But he did not appear to convince Democrats who disagree with both his political philosophy and his clear vision of what is happening in agriculture. He was able to put to rest allegations that he advocated large-scale agriculture, opposed ethnic and religious diversity and was antagonistic to "sustainable" and organic agriculture and the agricultural extension. He also satisfied any impartial observer that he did not improperly farm the farm program, noting he repaid USDA \$17,000 in program payments in the early 1990s—the result of a difference of opinion interpreting rules governing participation.

"To Sen. Charles Grassley, R-Iowa, the hearing had earmarks of a 'political lynching' with the 'opposition fomented from inside the beltway here in Washington, D.C.' Opposing witnesses appeared to make little headway with allegations he was a cheerleader for industrial-scale agriculture and antagonistic to racial and religious diversity. But skeptical Democrats were more receptive to recent revelations of his participation in farm programs and his philosophy about the federal rural development programs he would administer. To Sen. Max Baucus, D-Mont., Dorr's philosophy appeared 'antithetical to rural America.'"

Dorr's difficulty stems from an uncanny perception of the forces shaping agriculture and his willingness to describe them in blunt terms—attributes rarely found in public service. "He has simply stated the obvious," says University of Maryland agriculture dean Thomas A. Fretz, who was associate dean at Iowa State when Dorr was a member of the state board of regents. "What Tom Dorr brings is 'out of the box' thinking that challenges bureaucratic normalcy." Dorr's widely quoted comment that some ethnically homogeneous Iowa counties were successful with economic development, Fretz added, "simply stated the reality."

One of the strongest testimonials came from Varel Bailey, Anita, Iowa farmer and former National Corn Growers Association president who worked with Dorr in modernizing an antiquated NCGA in the late 1970s. "He is very aware of the plight of rural America," Bailey said of Dorr. "He has lived and farmed through the economic, social and political decline. The difference between Tom and most other people is that he steps up and tries to help."

[From the National Review Online, June 1, 2001]

DORR-VERSITY

(By Roger Clegg)

Once upon a time, if you read the words "diversity" and "farming" in the same sentence, you could be pretty sure that the article would be about crop rotation.

Those days, of course, are long gone. See the word "diversity" now, in any context, and you know it's going to be another article about melanin content and national origin.

On Wednesday this week, the New York Times and Washington Post both reported that the Bush administration's nominee to head the Agriculture Department's rural-development programs, Thomas C. Dorr, was under fire for comments that the Congressional Black Caucus, NAACP, and Black Farmers Association fear may show him to be anti-diversity. On December 11, 1999, Dorr was videotaped at a meeting at which the economic successes of three Iowa counties—populated largely by descendants of Dutch Protestant and German Catholic settlers—were being discussed. Said Mr. Dorr: "And you'll notice when you get to looking at them that they're not particularly diverse. At least not, uh, ethnically diverse. They're very diverse in their economic growth, but they're very focused, uh, have been very non-diverse in their ethnic background and their religious background, and there's something there that has enabled them to succeed and succeed very well."

The quoted statement underscores, in an unintentionally amusing way, that some kinds of diversity are politically correct and relevant but some aren't. It is at least a little odd that Dutch Protestants and German Catholics are now thrown together and considered to be just a bunch of white Christian dudes. Wasn't there some recent unpleasantness when the Dutch and Germans were shooting at each other with guns, and some less recent unpleasantness when Protestants and Catholics in Europe were shooting at each other with bows and arrows? No matter: Now they're all just "white," unless they're lesbians—no more diverse than those other white guys, Israelis and Palestinians.

Likewise, Americans with ancestors from Cuba, Mexico, Puerto Rico, and Brazil may have absolutely nothing in common when it comes to income, religion, language, politics, or culture, but they're all "Hispanic" because those ancestors come from countries that centuries ago were settled—probably a politically incorrect concept—by people who came from somewhere on the Iberian peninsula. Makes them all the same. Ditto for

Filipinos, Japanese, Chinese, Indians, and Pakistanis—they may have hated each other for centuries, but in this country, by God, they're all “Asians and Pacific Islanders” as far as government bureaucracies, university admission officials, and the civil-rights establishment are concerned.

The Bush administration has announced that Mr. Dorr has its “full support,” and an unnamed source there said that Dorr’s words have been taken out of context, since he had simply been pointing out a demographic fact, not suggesting a causal relationship. How, it is quite possible that the words were taken out of context, as I’ll discuss in a moment, but the words quoted from the videotape seem to make it pretty clear that he was in fact suggesting a causal relationship.

I haven’t seen the videotape, but it wouldn’t surprise me if Mr. Dorr brought up the lack of diversity in these three successful counties because, earlier in the discussion, someone had been talking about how diversity was essential for economic success—a common, if false, platitude these days, especially in academic settings (the meeting was of the Iowa State University board of regents). Oh yeah, says Dorr, well looky here: Economic success and no diversity in sight. So there.

Satisfying as it may have been, in making this observation Mr. Dorr touched the third rail of American politics. Elizabeth Salinas Newby, administrator of the Iowa Division of Latino Affairs, has retorted: “It sounds like he’s trying to say diversity isn’t important for growth. It is exactly diversity that has helped this state grow.”

So who’s right: Dorr, if in fact he was saying that lack of diversity can breed economic success, or Salinas Newby, who says that, to the contrary, diversity helps in succeeding economically? The answer is, to some extent both are right, but mostly both are wrong.

There may be some situations where diversity can help an enterprise. In a sales operation, for instance, it may make it marginally more likely that companies will develop insights into how best to market products to some demographic groups—although, I hasten to add, it might not: Non-Hispanics can learn how to market to Hispanics, and there are as many differences among Hispanics as there are similarities.

There are, conversely, probably some situations where a lack of diversity can help. Having a common heritage and set of values, customs, and manners can foster greater trust, better morale, and closer teamwork. It also cuts down on interracial and interethnic conflict, as well as other potential distractions. This point should be borne in mind by those who rely on pseudo-studies to support diversity through affirmative action. If these studies, and the benefits from diversity they purport to find, are viewed as sufficient to justify racial and ethnic preferences favoring “underrepresented” groups, then it follows that similar studies about the costs of diversity will be sufficient to justify racial and ethnic discrimination against those groups.

But in the vast majority of economic enterprises, diversity or lack of diversity is either completely irrelevant, cuts in both directions, or makes only a marginal difference. Any advantages or disadvantages will be completely swamped by factors having nothing to do with skin color or ancestry, like talent, intelligence, education, and willingness to work hard.

Whether one succeeds or fails as a farmer in Iowa will be influenced much more by the weather than the color of one’s neighbor. What one learns and achieves, as a student at Iowa State will hinge on one’s talent and teachers, not the distant ancestry of the other kids in the lecture hall. But no matter

how the debate over Mr. Dorr’s nomination plays out, one doubts that anyone involved will fail to genuflect before the altar of diversity.

Mr. COCHRAN. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. There are 13 minutes 40 seconds remaining.

Mr. HARKIN. I yield 5 minutes to the Senator from Minnesota.

Mr. DAYTON. Madam President, I salute my colleague, Senator HARKIN, for his outstanding principles and his considerable fortitude. This is not a pleasant task, and I know it is one that has been very difficult for my friend and colleague, my neighbor to the south, who at the time of this coming forward was the chairman of the Senate Agriculture Committee.

Contrary to what some are perhaps alluding to, and what others observing this may suspect, this is not planned or contrived on anybody’s part. In fact, it was the day of the Senate Agriculture confirmation hearing last year, Senator HARKIN chairing—and I served as a member—the very day of the hearing, the largest circulation paper in Iowa, highly respected for its integrity and its veracity, ran a major investigative story about Mr. Dorr and set forth many of the references that Senator HARKIN has just made, and others as well, detailing and making the charge and the case that Mr. Dorr had cheated the Federal farm programs; that he had misrepresented partnerships of which he was managing trustee; that he had misrepresented payments for what services they were being provided; and that he had falsified claims that he had signed as the managing trustee in order to get paid more public money from these Federal farm programs than he was legally entitled. It is not just for 1 year but for several years, not just one falsification but repetitive falsifications which resulted in determined overpayments of \$17,000 for 3 years for one partnership. He himself testified before the committee that there were seven partnerships and there was a period of 7 to 8 years where these kinds of arrangements existed—those records, as others have said, not being available for examination.

Who brought these charges forward? Mr. Dorr’s brother, also a partner in these family-owned trusts and farms, farming operations. He provided a tape recording of a telephone conversation to support these contentions he was making, and so we have on transcript Mr. Thomas Dorr’s own words, his own statements about these matters.

At the end of that process of reviewing all of the information, I came to the conclusion, regrettably so, that Mr. Dorr does not meet the minimum requirements of honesty and integrity for the position he has now been recessed appointed to and is being considered for by this body today, and that

his attitudes and his ideologies concerning the rural Americans he is supposed to serve make him an unacceptable choice for the Rural Development Under Secretary. I say that regrettably.

I served as State auditor for Minnesota for 4 years. I had the responsibility of upholding the public trust and oversight for the proper expenditure of State and local funds. I took very seriously the responsibility to approach these matters objectively, knowing I was going to be accused of being partisan, unprincipled, and unfair. I always tried to get the facts, set forth the facts, determine what the facts were, and let the facts make the determination one way or another.

I regret some of the assertions that this is a witch hunt or that it is unsubstantiated, and I refer to the Farm Service Agency’s own letter, based on reviews both in 1996 and in 2001, which concluded that the arrangement between Mr. Dorr’s Pine Grove Farms and each of these trusts—quoting FSA—was a crop share arrangement, not the custom farming arrangement it was represented to be.

It was on that basis that the trusts were required to pay some \$17,000 in farm program payments they had improperly received for those years, but that did not occur until 2001 and in fact they were not even repaid until the summer of 2002, after Mr. Dorr had been nominated for this high office.

In fact, I have a letter from the USDA to Mr. Dorr dated June 5, 2002. Mr. Dorr, in his own comments to his brother, according to the transcript, admitted that what he had charged for a custom fee is not a custom fee, “it is actually crop rental income to me. That is my share of the income.” Asked why he was following these procedures, he said it was to avoid a \$50,000 payment limitation to Pine Grove Farms.

At another point the transcript says: Mr. Dorr, I, we filed away the farm, the trust land—both the Melvin Dorr trust and the Harold Dorr trust are operated with ASCS—to quite frankly avoid payment and limitations. Okay?

Now, we can all decide what to do with these facts, but I regret, for those who do not want to face them and claim they do not exist, we have a standard for this high office. Farmers in Minnesota, as do other farmers in this country, apply to this office for program funding. They deserve someone who can administer the programs faithfully because they have practiced them honestly.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time is remaining on either side?

The PRESIDING OFFICER. There are 7 minutes on the minority side and 5 minutes on the majority side.

Mr. HARKIN. Madam President, I yield myself about 4 minutes right now.

There have been some statements made regarding the fact that the Office

of Inspector General has somehow exonerated Mr. Dorr; that it found no wrongdoing. That is just simply not the case at all. Federal law provides criminal penalties for knowingly making false statements for the purpose of obtaining farm program payments. The USDA Office of Inspector General looked at all of this and they referred it. The OIG found enough concerns about Mr. Dorr's dealings with the USDA Farm Service Agency to refer the matter to the U.S. Attorney for the Northern District of Iowa.

As I said before, the U.S. attorney declined to proceed because the statute of limitations had run. So attempts by the administration to characterize this as an exoneration are simply wrong. Procedural technicalities do not equate to no wrongdoing.

I ask unanimous consent that a letter from the U.S. Attorney for the Northern District of Iowa dated February 2, 2002, be printed in the RECORD.

U.S. DEPARTMENT OF JUSTICE,
February 7, 2002.

S/A DALLAS L. HAYDEN,
U.S. Department of Agriculture,
Great Plains Region,
Mission, KS.

DEAR MR. HAYDEN: After reviewing the investigative report dated September 26, 2001, regarding the above subject and our telephone discussion of this date, we are declining criminal prosecution and any affirmative civil enforcement due to statute of limitations issues.

Sincerely,

CHARLES W. LARSON, SR.,
United States Attorney.
By: JUDITH A. WHETSTONE,
Assistant United
States Attorney.

Mr. HARKIN. This is a letter to Dallas Hayden. I do not know who Dallas Hayden is. It says, regarding Thomas C. Dorr, Marcus, IA:

Dear Mr. Hayden: After reviewing the investigative report dated September 26, 2001, regarding the above subject [that is Thomas Dorr] and our telephone discussion of this date, we are declining criminal prosecution and any affirmative civil enforcement due to statute of limitations issues. Sincerely, Charles W. Larson, Sr., United States Attorney.

So to characterize this as being an exoneration—he was exonerated because he beat the rap. He escaped the statute of limitations. That is hardly being exonerated.

Again, look at what he said with his own words, saying he had set this up to get around the payment limitation. These are Mr. Dorr's own words.

We know crop shares are misrepresented for two of the entities in this complex web he has woven for himself. We do not know about the rest, and that is what we did not have sufficient information about—about the other corporations, partnerships, and individuals involved.

So the committee requested additional documents. We asked for additional documents and we asked the nominee additional questions. I believe these were reasonable requests pertaining to valid questions.

Secretary Veneman made clear in her letter back to the committee that neither the Department nor the nominee would cooperate with or provide any more information to the committee.

Almost without exception, nominees seek to clear up and resolve any questions about the propriety of their financial dealings most certainly when they involve the Federal Government. In this case, Mr. Dorr refused to provide information and answer questions. Instead, he and the administration decided to stonewall and withhold critical information. That is why 44 Senators said we do not want to take action until the nominee furnishes the requested information and, two, a hearing under oath is held on Mr. Dorr's nomination according to committee rules and normal practice.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. How much time remains on both sides of the issue?

The PRESIDING OFFICER. There are 5 minutes on the majority side and 3 minutes on the minority side.

Mr. COCHRAN. I yield the remainder of our time to the distinguished Senator from Iowa, Mr. GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, we have just heard that Mr. Dorr escaped prosecution because of the statute of limitations. That is to assume guilt. There were not charges filed, and I think it is wrong for us to assume anybody is guilty, under our system of law that a person is innocent until proven guilty.

I wish to go to some records from people who live within no more than 25 miles of this operation and explain what authorities for the U.S. Department of Agriculture had to say about this, and I will enter these two letters in the RECORD. One is January 8, 1997, from Michael Houston, county executive director of the Farm Service Administration. It says:

The Cherokee County Committee met on December 19, 1996, and determined that M.G. Dorr Irrevocable Trust had a shares violation for the years 1993, 1994 and 1995; that is the Trust's total contributions to the farming operation were not commensurate with the claimed shares for the crop years 1993, 1994 and 1995.

The County Committee [meaning the county committee of the Farm Service Agency of the U.S. Department of Agriculture] determined a refund will be required but there was no criminal intent.

Then, on February 4, 2002, we have this letter signed by the same Michael Houston. It is entitled "End of Year Review, 1994-1995."

The Cherokee County Committee reviewed the End of Year Review, in particular the worksheet number 9.5, pages 1 and 2—attached. The County Committee determined that there was no evidence of receiving benefits indirectly or directly that would exceed the maximum payment limitations. The County Committee also agrees that there was no evidence that the Dorr's Pine Grove Farm nor Tom Dorr participated in a scheme or device to evade the maximum payment limitations regulations.

The End of Year Review for the year 2000 concluded that the Dorr's Pine Grove Farms had no deficiencies.

I ask unanimous consent to have those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FARM SERVICE AGENCY,
Cherokee, IA, January 8, 1997.

PAUL R. DORR,
Ocheyedan, IA.

DEAR SIR: The Cherokee County Committee met on December 19, 1996 and determined that M. G. Dorr Irrevocable Trust had a shares violation for the years 1993, 1994 and 1995; that is the Trust's total contributions to the farming operation were not commensurate with the claimed shares for the crop years 1993, 1994, and 1995.

The County Committee determined a refund will be required but there was no criminal intent.

Sincerely.

MICHAEL W. HOUSTON,
County Executive Director.

— FEBRUARY 4, 2002.
DORR'S PINE GROVE FARMS,
Marcus, IA.

DEAR MR. DORR: The Cherokee County Committee reviewed the End of Year Review, in particular the worksheet #9 5 pages 1 & 2 (attached). The County Committee determined that there was no evidence of receiving benefits indirectly or directly that would exceed the maximum payment limitation. The County Committee also agrees there was no evidence that Dorr's Pine Grove Farm nor Tom Dorr participated in a scheme or device to evade the maximum payment limitation regulations.

The End of Year Review for the year 2000 concluded that the Dorr's Pine Grove Farms had no deficiencies.

Any questions please call (712) 225-5717. Thank you.

Sincerely,

MICHAEL W. HOUSTON,
County Executive Director,
Cherokee County FSA Office.

Mr. GRASSLEY. But I think I want to go to the bigger picture in ending my justification for this confirmation. That goes back to all that we heard during the year 2001, when this nomination was presented to the Senate, going into the year 2002. There were a lot of organizations that testified against his nomination. There were a lot of accusations made. There was a lot of discussion. There were a lot of newspaper articles.

This may not be a sound way to make a judgment about whether something is right or wrong, but if I hear from the grassroots of Iowa right away about a nomination, I take that much more seriously. But most of the accusations against Tom Dorr came after there were articles in the New York Times and the Washington Post, and then interest in this nomination in the Iowa newspapers came about the same time, and the accusations that were put in place.

Then I heard something. Obviously, when you hear from your constituents against a nominee you want to take that into consideration. So then nothing happened to this nomination until the President has pushed it, during the

new Congress. In the meantime, then, Secretary Dorr has been in a position for well over a year. During that 1 year, none of the people or organizations that came out so strongly against Tom Dorr in the previous Congress has raised complaints about his doing the job that he is doing. It tells me, then, we ought to look at on-the-job performance as criteria for this person moving forward with this nomination.

That is what I ask my colleagues to do as they consider it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Madam President, how much time remains?

The PRESIDING OFFICER. There are 3 minutes remaining.

Mr. HARKIN. And how much on the other side?

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I just have 3 minutes left? I will try to sum up here.

Madam President, as I said in the beginning I don't take any pleasure in what we are doing this morning and the position I am taking. In my 29 years here, 10 in the House and 19 in the Senate, I have never opposed an Iowan for a position in the Federal Government—under the Reagan administration, Ford, Carter, any of them. It does not give me a great deal of pleasure to oppose this one.

I think the record is clear. The record is clear that this individual, in his own words, said he misrepresented to the Federal Government what he was doing in order to avoid payment limitations.

These are not my words. These are his own words on tape. It is his own words when he denigrated racial diversity, ethnic diversity, religious diversity, in saying counties in Iowa which were very successful—were most successful—lacked diversity, and there is something there that caused that because they didn't have racial, ethnic, or religious diversity. Those were his own words.

It was Mr. Dorr's own words when he said you drive around Iowa and you see a \$10,000 house and you see 10 cars, he said, which confirms my "10 cars-\$10,000 home theory," denigrating poor people.

Sure they may have a lot of cars around because they can't afford a new one. They take parts off of one or another, we know that.

He said the more you help the more you hinder. But then he didn't mind taking Government money. He didn't mind taking student loans when he was a student. He didn't mind taking Federal payments for his farm. That didn't seem to hinder him any.

Last, on the OIG, I have to say again, the Office of Inspector General referred this to the U.S. attorney for prosecution. The U.S. attorney did not prosecute because the statute of limitations had run, that is all. They didn't say he was guilty or not, but that is not an exoneration either.

But on the matter of racial diversity, there was some mention about whether Ralph Paige supports Mr. Dorr. I previously put in the RECORD a letter opposing Mr. Dorr's nomination signed by the Federation of Southern Cooperatives, which is Mr. Paige's operation.

One of my friends in Iowa said if you can't get along with your neighbors, you probably can't get along with too many other people. This is in the record, in the newspaper, his neighbors talking about him. Verdell Johnson a Republican, a former neighbor who lives in a nearby Cleghorn, said:

He would be very counter to rural development, unless you would consider that rural development is one farmer in every county.

Marvin Pick, whose farm is next to one of Dorr's farms said: "Who are his friends? I don't think he's got any."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Madam President, until we get the documents for which we have asked, and until such time as we have him under oath to answer questions about these dealings, I do not think the Senate should invoke cloture and proceed with a vote until such time as we get that documentation.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 237, the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development.

Bill Frist, Thad Cochran, Saxby Chambliss, Rick Santorum, Norm Coleman, Craig Thomas, Jeff Sessions, Pat Roberts, Kay Bailey Hutchison, George Voinovich, Chuck Grassley, Wayne Allard, Michael Enzi, Elizabeth Dole, John Sununu, Sam Brownback, John Warner.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is raised.

The question is, Is it the sense of the Senate debate on Executive Calendar No. 237, the nomination of Thomas C. Dorr to be Under Secretary of Agriculture for Rural Development shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 454 Ex.]

YEAS—57

Akaka	Dole	McConnell
Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nelson (NE)
Bennett	Fitzgerald	Nickles
Bond	Frist	Pryor
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith
Chambliss	Hutchison	Snowe
Cochran	Infante	Specter
Coleman	Jeffords	Stevens
Collins	Kyl	Sununu
Cornyn	Lincoln	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—39

Baucus	Dayton	Lautenberg
Bayh	Dodd	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carper	Inouye	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden

NOT VOTING—4

Edwards	Kerry
Graham (FL)	Lieberman

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, what is the request?

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum.

Mr. COCHRAN. Mr. President, I suggest there is a quorum present.

The PRESIDING OFFICER. Is there objection, then?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 238, the nomination of Thomas C. Dorr, of Iowa, to be a member of the Board of Directors of the Commodity Credit Corporation.

Bill Frist, Thad Cochran, Norm Coleman, Charles Grassley, Wayne Allard, Jim Bunning, Conrad Burns, Mitch McConnell, John Cornyn, Lamar Alexander, Larry Craig, Richard G. Lugar, Peter

Fitzgerald, George Allen, Don Nickles, John Ensign, James Inhofe.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 238, the nomination of Thomas C. Dorr, of Iowa, to be a member of the Board of Directors of the Commodity Credit Corporation, shall be brought a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 39, as follows:

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 455 Ex.]

YEAS—57

Akaka	Dole	McConnell
Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nelson (NE)
Bennett	Fitzgerald	Nickles
Bond	Frist	Pryor
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith
Chambliss	Hutchison	Snowe
Cochran	Inhofe	Specter
Coleman	Jeffords	Stevens
Collins	Kyl	Sununu
Cornyn	Lincoln	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—39

Baucus	Dayton	Lautenberg
Bayh	Dodd	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carper	Inouye	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden

NOT VOTING—4

Edwards	Kerry
Graham (FL)	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote on this vote and the previous vote.

Mr. REID. I move to lay both motions on the table.

The motions to lay on the table were agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

UNANIMOUS CONSENT REQUEST— S. 1853

Ms. CANTWELL. Mr. President, I know we are going to move on to other legislation and I am sure we are going to hear from our leaders today about what the rest of the week's schedule looks like and possible strategy for adjournment, but I think it is critically important before we adjourn we address the unemployment needs of Americans. While we in this body last year adjourned without fully taking care of the unemployed and the unemployment benefit extension program, I think it is unconscionable we would do that this year.

While the economy may have slightly improved, we still have huge unemployment across the country. For us in the State of Washington, with nearly 7½ percent unemployment, this problem continues.

Unemployment benefit insurance is a stimulus. For every dollar paid in unemployment benefits, it generates \$2.15 into the economy. This is what we need to be doing to take care of Americans. We cannot continue to give tax breaks to the wealthiest of Americans and tax incentives in the Energy bill and tax breaks in a lot of other programs and not take care of basic Americans who would rather have a job but do not have that opportunity and are depending on those unemployment benefits to make mortgage and health care payments.

Last year we really did leave Americans with a lump of coal in their stocking. Instead of saying to them we are going to make sure that as the economy starts to recover we are taking care of you to give you that security, we said we are going to terminate this program. Even though the Senate did its homework and the House failed to pass this, we left many Americans without that security.

Constituents of mine basically took money out of their long-term pension savings at huge penalties just to make up for the unemployment benefit program that would not continue. It is imperative before we adjourn we pass the Unemployment Benefit Program extension.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1853, a bill to extend unemployment insurance benefits for displaced workers; that the Senate proceed to its immediate consideration, the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, and I will object, very simply

put, when the Democrats were in control of the House of Representatives, the Senate, and the Presidency back in 1993, the unemployment rate, when they terminated the program, was 6.4 percent nationally. It is now 6.0 percent, lower than it was in 1993 when every Democrat voted to terminate the program. So with that, I object.

The PRESIDING OFFICER. The objection is heard.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2861, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2861) to make appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Bond/Mikulski amendment No. 2150, in the nature of a substitute.

Dayton amendment No. 2193 (to amendment No. 2150), to fully fund the Paul and Sheila Wellstone Center for Community Building.

AMENDMENT NO. 2199 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I have some amendments that have been cleared on both sides. First, I send an amendment to the desk for Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. EDWARDS, dealing with a study on Prevention of Significant Deterioration and Nonattainment New Source Review.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. EDWARDS, proposes an amendment numbered 2199.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include an evaluation of the impact of a final rule promulgated by the Administrator of the Environmental Protection Agency in a study conducted by the National Academy of Sciences)

At the appropriate place, add the following:

SEC. _____. NATIONAL ACADEMY OF SCIENCES STUDY.

The matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "ENVIRONMENTAL PROTECTION AGENCY" in title III of division K of section 2 of the Consolidated Appropriations Resolution, 2003 (H.R. Stat. 513), is amended—

(I) in the first sentence of the fifth undesignated paragraph (beginning "As soon as"), by inserting before the period at the end the