

settlers, America has provided for our veterans. Way back in 1636, the Pilgrims of Plymouth County agreed that members of the colony would support soldiers disabled in the battles with the Pequot Indians. One hundred forty years later, the Continental Congress moved to provide pensions for soldiers disabled by the War for Independence.

In the following decades, Congress enacted many more measures to support our retired service men and women. On June 22, 1944, Congress passed the GI bill, one of the most significant pieces of legislation in our country's history. Initially, the proposal to provide educational assistance to our vets was met with controversy. But after successful lobbying by the American Legion, the GI bill was passed unanimously in both Houses. It is now considered one of the most influential pieces of legislation enacted since the Homestead Act.

The GI bill has not only opened the door to higher education for millions of Americans, it has transformed America from a society of renters to a society of homeowners. It is the Veterans Affairs Department that has so successfully overseen this tremendous achievement.

An area of special interest to me is veterans health. Before coming to the Senate, I spent at least a portion of every week serving our veterans, through surgery, in the operating rooms in veterans hospitals, whether it was the veterans hospital in Nashville, TN, or when I was on the west coast. But literally every week, over the period of my entire professional career in medicine, I was serving veterans in a hospital, performing heart surgery and lung surgery and removing cancers from their chests.

The VA hospitals in particular have been successful in streamlining their health information technologies. As we reach out today, focusing on our overall health care system—our health care sector, I should say; we don't have a real health care system in this country—we are looking to the Veterans' Administration and their now over 20 years of experience of health information sharing throughout a system, hospital to hospital and hospital to physician's office.

A study published in the New England Journal of Medicine found that for a discrete set of measures, VA patients were in better health and received more recommended treatments as compared to Medicare patients treated on a fee-for-service basis.

According to the VA's own medical professionals, a computer system called VISTA is the key to their success. Sanford Garfunkel, the director of the VA Medical Center in Washington, DC, says:

I'm proud of what we do here but it isn't that we have more resources. The difference is information.

I applaud the VA hospitals for their innovation and for their commitment. I had the opportunity, before coming to the Senate, to see it firsthand in the

patients I took care of in our VA hospitals. Each day, the physicians and nurses in these hospitals are advancing that mission of the Veterans Affairs agency to—in the words of Abraham Lincoln—"care for him who has borne the battle, and for his widow and his orphan."

It is in that spirit that I pledge to our Nation's veterans to pass legislation prior to the August recess to ensure that the veterans health care system has the resources necessary to care for those who have stood in harm's way for us.

Tonight, the VA Diamond Jubilee celebrations will be kicked off with an event at the DAR Constitution Hall here in Washington, DC. In the following weeks and months, our Nation's veterans, their families, and grateful communities will come together in celebrations all over the country to honor the deep contributions of our service men and women.

Thank you to the VA and to our women and men of the Armed Forces, including the new generation of veterans coming back from Afghanistan and Iraq. America owes you a great debt of gratitude, and we intend to—and will—continue that long and proud tradition of providing for our soldiers even after they have left the battlefield.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, another way to honor our veterans is to honor the men and women currently serving in our military. Yesterday, we did begin the Defense authorization bill. I do urge my colleagues to come to the Senate floor now, this morning, with their amendments. We must do so now in order to complete this bill. We will consider the legislation amendment by amendment, in an orderly way. It is my intention, in consultation with the bill manager, to file cloture on this bill in short order. That should send a strong signal that now is the time for people to come to the Chamber with their amendments.

I also plan to offer an amendment to the Defense authorization bill to preserve our longstanding relationship between the Department of Defense and the Boy Scouts of America. This legislation is necessary—it is unfortunate it is necessary, but it is necessary—to press back on the lawsuits that seek to sever the ties between our military, which has hosted the Boy Scout Jamboree on its bases, and the Boy Scouts of America.

America's youth can learn so much from the men and women in uniform today: love of country, commitment to values, sacrifice for others. It is simply wrongheaded to conclude that Pentagon support of the Boy Scouts of America violates the establishment clause. It is time to return some common sense to the courts.

On Monday, July 25, thousands of Scouts from all around the country

will begin arriving at Fort AP Hill. Let's protect that relationship. We have an opportunity to do so. It is time for us to act.

We will also be considering gun liability legislation before we leave. Given the profusion of litigation, the Department of Defense faces the very real prospect of outsourcing sidearms for our soldiers to foreign manufacturers. Let me repeat, given the amount, the profusion of litigation, the Department of Defense faces the real prospect of having to outsource sidearms for our soldiers to foreign manufacturers.

The Baretta Corporation, for instance, makes the standard sidearm for the U.S. Armed Forces. They have the long-term contracts to supply these pistols to our forces in Iraq. Recently, the company had this to say:

The decision of the D.C. Court of Appeals . . . has the likelihood of bankrupting, not only Baretta U.S.A., but every maker of semiautomatic pistols and rifles since 1991.

Without this legislation, it is possible the American manufacturers of legal firearms will be faced with the real prospect of going out of business, ending a critical source of supply for our Armed Forces, our police, and our citizens.

The legislation prohibits one narrow category of lawsuits: suits against the firearms industry for damages resulting from the criminal or unlawful misuse of a firearm or ammunition by a third party.

Over two dozen lawsuits have been filed on a variety of theories, all seeking the same politically motivated goal: putting our industry out of business. This is wrong.

These frivolous suits threaten a domestic industry that is critical to our national defense, jeopardize hundreds of thousands of jobs, and put at risk law-abiding citizens who have guns for recreational use.

Many support this legislation, including the Fraternal Order of Police. I am hopeful, with the cooperation of Members, we can complete all action on this legislation before the recess.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF THOMAS C. DORR TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 101, 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.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate, with the time equally divided between the majority leader or his designee and the Senator from Iowa, Mr. HARKIN, or his designee. The majority leader is recognized.

HEALTH INFORMATION TECHNOLOGY

Mr. FRIST. Mr. President, on leader time—the managers will be coming to the floor—one final thought.

I am pleased to report that we are making progress on an issue which I mentioned in my previous remarks on information technology. We are working together in a strongly bipartisan way to improve our health care system, to get rid of waste and abuse and ultimately save lives and improve quality by promoting and making it easy to use the protected electronic health record. Yesterday, the Health, Education, Labor, and Pensions Committee reported out the Wired for Health Care Quality Act that was introduced by myself, and Senators ENZI, KENNEDY, and CLINTON. The four of us have been working together aggressively with the HELP Committee.

Soon, at the urging of Congress, the administration will make the Veterans' Administration's Electronic Health Record System, called VISTA, available to health care providers free of charge. Making that system available will be hugely beneficial, with tens of thousands of physicians who treat seniors being able to harness the power of having this electronic health record. It will improve the quality of care, the efficiency of care that they provide. It will ultimately pull down cost, and it will get rid of waste within the system.

There is much more to be done. That is why I look to rapidly move the HELP-reported bill that will hopefully be before us soon, the Wired for Health Care Quality Act. It also will protect patient privacy and promote secure exchange of lifesaving health information. It will allow for the rapid adoption of standards that will allow health information technology systems to communicate, one with the other. It will allow us to seamlessly integrate the health information technology standards. It will reduce waste and inefficiency and put patients back at the heart of the health care system.

Mr. President, the managers are in the Chamber. I yield the floor.

The PRESIDING OFFICER. (Mr. ISAKSON). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I rise in support of Tom Dorr, the President's nominee for Under Secretary of Rural Development at USDA.

Tom is a fourth generation "dirt under the fingernails" family farmer. He has also been a small businessman and understands the demands and challenges of doing business in rural America.

Tom Dorr is a family man, having been married to Ann for 35 years. They

have a son and a married daughter and a beautiful granddaughter, all who live in Iowa.

Tom is a community leader, having served as the chairman of the board for the Heartland Care Center, a cooperative care center in Marcus.

Tom was instrumental in starting the Iowa Corn Growers Association and served in various leadership roles before moving on to leadership at the National Corn Growers Association.

Tom served on the board of the Chicago Federal Reserve and has also served on the Iowa Board of Regents, which is truly one of the most prestigious jobs in our State, a position now held by the wife of my Senate partner from Iowa, TOM HARKIN. Mrs. Harkin serves on that prestigious body.

Tom's leadership ability has been demonstrated and utilized to the benefit of his community and our State time and time again.

Tom has dedicated a good portion of his life to serving Iowa's rural population and improving Iowa's rural economy.

Tom Dorr has the financial expertise and business savvy required to run an organization as large and complicated as USDA's Rural Development.

Rural Development is basically a large bank, with a loan portfolio of almost \$90 billion. That is as big as Wells Fargo or Chase Manhattan and bigger than most of the banks in America. This agency has 7,000 employees located in over 800 offices across the country.

Not just any person can move from the farm and smoothly take over an organization of this size. But Tom Dorr did exactly that. Tom Dorr ran Rural Development as the Under Secretary for 16 months—from August 2002 until December 2003.

Because of Tom's recess appointment, we have the unique opportunity to examine his track record.

I have heard from many people at USDA about Tom Dorr's accomplishments. This news doesn't come only from other political appointees, it also comes from career staff and groups who originally had concerns.

Folks tell me 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 worked with him, I take particular note.

Let me describe a few of Tom's accomplishments while he was the Under Secretary for Rural Development:

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 provide electricity nationwide 60 years ago.

No. 3, in order to facilitate the review of \$37 million in value-added development grants, he creatively used 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 Delta Regional Authority.

No. 5, he facilitated the development of a memorandum of understanding, signed 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 USDA to provide greater access for rural American housing, but especially minorities living in rural America 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 low-income citizens throughout rural America.

No. 8, he has initiated a major outreach program to insure that USDA's Rural Development programs are more easily made available to all qualified individuals, communities, and organizations. This marketing and branding initiative has also played an important role in changing the attitude of employees to concentrate on customer service and proactive outreach, with emphasis on reaching out to minorities.

Although this is an incomplete list of his accomplishments, it is easy to see that as Under Secretary, Tom Dorr did a great job in the short 15 months he served at Rural Development.

Clearly, I support Tom and believe he is the right person for the job, but let me read a few comments from the folks that worked with Tom when he was Under Secretary.

First is the Mortgage Bankers Association, a much respected national organization in the banking industry:

We support Mr. Dorr's nomination as Under Secretary for Rural Development because we have found him to be an engaged leader with a true commitment to the housing and community development needs of rural America—Jonathan L. Kempner, President/CEO.

This organization certainly is able to recognize if someone has the ability to

understand the financial issues and have the skills needed to run USDA Rural Development.

The next quote is from the Council for Affordable and Rural Housing, a very respected organization serving the housing industry.

On behalf of our members throughout the country, we are writing to you today in support of the nomination of Thomas C. Dorr to be the Under Secretary for Rural Development . . . There is a need for strong leadership and determination to forge long-term solutions to preserving this important investment in rural housing—Robert Rice, Jr., President, Council for Affordable and Rural Housing.

I have many more letters, probably 50 or more, from organizations all across the country asking us to confirm Mr. Dorr. In addition, I have a letter signed by many of the leading national agricultural organizations such as the National Corn Growers Association and American Farm Bureau Federation.

There is another issue that I feel compelled to address today. During the 2002 hearing and in the floor debate in the Senate, concerns were expressed regarding Tom's position on minority issues. I would like to reference letters for the record this morning that should alleviate any lingering concerns.

These letters are from minority organization leaders expressing their support for Tom Dorr's confirmation.

The first letter is from the Federation of Southern Cooperatives. You may recall that they had a representative testify against Mr. Dorr at the 2002 Hearing. I will read a quote from their executive director, Ralph Page:

I am personally endorsing Tom Dorr's nomination because of his deep interest in rural development. He has made several visits to the communities within the Federation's network and has a great understanding of the needs of rural poor communities. He is the man for the job

Here is another one:

Mr. Dorr [has] made great accomplishments in the position and has earned the trust from rural Americans to carry out this mission—Dexter L. Davis, President, Northeast Louisiana Black Farmers and Landowners Associations.

Here is another one:

I met Mr. Dorr in Washington, DC, when he was serving as the acting Under Secretary for Rural Development and was impressed with his passion for small farmers. Quite frankly, when I first met Tom, I was not expecting him to be particularly supportive of our needs. But over the years that we have worked together, I have found him to be a great ally and a tireless fighter for the causes that we both support—Calvin R. King Sr., President/CEO, Arkansas Land and Farm Development Corporation.

Here is another one:

We hold Mr. Dorr as a valuable asset to our organization and its future. He is one of the individuals that has played a major role in bridging the gap between the small limited resource and minority producers for our organization and the USDA—Fernando Burkett, Black Farmers & Agriculturalists Association, Arkansas Chapter.

I have many more letters that I could read, but I think it is easy to under-

stand the point. Thankfully, these organizations were concerned enough to come forward after they had a chance to get to know and work with Tom.

In addition, I also want to read portions of a letter to Mr. Dorr by Dr. Dennis Keeney, the former head of the Leopold Center at Iowa State University. Many of you will recall Dr. Keeney was asked to testify against Mr. Dorr in 2002:

I write to apologize for appearing at your hearing in 2002. It was something I should have said no to right off, but did not. Then it sort of drug on and I had to go through with the appearance or lose face. That still did not make it right. . . . It was during the reading of this book (The Natural, the Misunderstood Presidency of Bill Clinton) that I realized that I had become part of the mudslinging and character assassination. This is not the type of legacy I would like to leave. You have been misunderstood, and made a poster child for big agriculture. I am sure that has not particularly bothered you. But, I have not been proud of my little part in helping paint that picture—Dr. Dennis Keeney, Emeritus Professor, Iowa State University, in a letter to Tom Dorr, June 25, 2003.

I thank Dr. Keeney for sharing this letter and for setting the record straight.

In closing, I ask my colleagues to set aside the politics of the past and concentrate on the real issues affecting rural America and what Tom Dorr would do if confirmed for this important job at USDA.

We have neglected our duty by going 4 years without having a confirmed Under Secretary for Rural Development at USDA. We have had four different individuals serving in the Under Secretary position, and none of them were confirmed by the Senate. That is not a good way to run a business, or a large and complicated agency as important to our States as USDA Rural Development.

Tom has been under a microscope since his original nomination and everyone who has looked in the lense has offered glowing praise for his work and accomplishments.

Thankfully, we do not need to speculate about whether Tom would do a good job or not, Tom has already demonstrated he has done and will likely continue to do a great job for rural America in the role of Rural Development Under Secretary.

How often do we actually get to judge a nominee by their proficiency in the job? Tom is a sure thing. Rural America is regaining its economic, social and cultural momentum. It would be a shame to deprive it of leadership at this critical juncture.

We have a unique second chance today. I hope we will set aside our differences and do what is best for our rural citizens, our States, and our country.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. The Senator is asking to speak on the nomination?

Mr. THOMAS. Yes.

Mr. GRASSLEY. I yield 2 minutes to the Senator from Wyoming.

Mr. THOMAS. Mr. President, I simply wanted to rise to give my endorsement to Tom Dorr, who has been nominated for Under Secretary for Rural Development. This agency is important to States such as Wyoming. We have had some experience working with Mr. Dorr and we are pleased with that.

Many of the groups from my State have endorsed him, including the Cattleman's Association, the American Farm Bureau, the Farm Council, and so on. I hope we will give the consideration and approval this gentleman continues to deserve in this area. He has done a great job. I hope he will have a chance to continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the parliamentary situation we face right now?

The PRESIDING OFFICER. Sixty minutes equally divided between the junior and senior Senators from Iowa, followed by a cloture vote. The Senator from Iowa has 30 minutes.

Mr. HARKIN. Mr. President, 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 concern, and questions have continued from Mr. Dorr's nomination in the 107th Congress, to a recess appointment, to his renomination in the 108th Congress, and his renomination this year.

I regret very much that so many problems have arisen regarding the nomination of a fellow Iowan. As any of us would feel, it is a matter of pride for me when somebody from my State is nominated for a high position in our Federal Government, regardless of party. This is the first time in my 20 years in the Senate that I have opposed a nomination of a fellow Iowan. Through the Reagan years, the first Bush years, it didn't matter. Regardless of party or about philosophy. Some were a lot more conservative than I am, and I never opposed one of them.

Like most Senators, I believe the President should receive a good deal of deference regarding nominations to Cabinet and sub-Cabinet positions. However, our Constitution doesn't make us a rubberstamp. We have a responsibility to review nominees—not to decide whether the nominee would be our first choice but whether the nominee at least meets certain standards for the job.

As a member of the Committee on Agriculture, Nutrition, and Forestry, I have a serious responsibility concerning nominations. I have worked with Chairman CHAMBLISS, former chairman Senators COCHRAN and LUGAR, to move nominees through the Agriculture Committee and through the floor fairly and expeditiously. I

have done so both as chairman and as ranking member. That has been true for nominees of both parties.

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 wastewater facilities; financing decent, affordable housing; supporting electric power and rural businesses, such as cooperatives. They also include promoting community development and helping to boost economic growth, creating jobs, and improving the quality of life in rural America.

Given those responsibilities, one of this nominee's first controversies arose when Mr. Dorr's position on agriculture was reported in the New York Times of May 4, 1998. He proposed replacing the present-day version of the family farm with 225,000-acre mega farms, consisting of three computer-linked pods. Well, with the average Iowa farm at about 350 acres, this vision certainly was radical, to say the least.

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 verbally attacking the ISU extension service and harassing the Director of the ISU Leopold Center for Sustainable Agriculture. I ask, is this really the attitude and the vision for agriculture and rural communities that the Under Secretary for rural development ought to bring to the job?

The person in that position must also be responsive and sensitive to the demands of serving America's very diverse rural citizens and communities. That requirement cannot be over-emphasized 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 the Iowa State University conference:

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

Should we have as Under Secretary of 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?

Let me also point to a letter Mr. Dorr sent me in October of 1999 to complain about charges on his telephone

bill for the national access fee and the Federal universal service fee. Now, the proceeds from these relatively modest fees go to help provide telephone service and Internet service to rural communities, hospitals, and schools—including, I might add, Mr. Dorr's hometown, Marcus, IA, school district. It strikes me as very odd that Mr. Dorr would have the responsibility for helping rural communities obtain telecommunications services and technology when he was so vehemently opposed to a program that serves that very purpose.

Here is what he said about the national access fee and the Federal universal access 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 will see an inordinate number of homes surrounded by 5 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.

Those were Tom Dorr's own words in writing to me. Time and again, we gave Mr. Dorr the opportunity to explain this, but he could not explain this broad attack against help to rural communities.

In fact, it seems clear that Mr. Dorr was degrading the very people, 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 declaring that it is counterproductive to try to help them.

When he appeared before our committee, I asked him about it, and he could not explain it. So I asked Mr. Dorr: Mr. Dorr, have you ever gotten any Government help? He did not respond.

I said: Did you ever get a guaranteed student loan when you went to college? He admitted that he had.

I asked him if he had received any Government-backed loans for farming operations?

Yes.

Had he ever gotten any farm payments from the Federal Government for his farming operations?

Yes, he had.

I listed a number of ways in which the Federal Government had helped him. And I asked rather rhetorically if it hindered him.

It seems to me Mr. Dorr was quite willing for the Federal Government to help him get ahead, but if the Federal Government is going to help someone of low income, living in a rural area who is in poverty, he says, no, if you help them, you just hinder them. Is this the kind of person we want in charge of rural development—I think to do any job well one has to believe in its value—if the very purposes of USDA's rural development programs are anathema to the beliefs and the philosophy of Mr. Dorr?

Furthermore, the nominee's record shows that he prefers to provoke, bruise, and offend rather than to seek cooperation and common ground. This simply is not an acceptable approach for the U.S. official in charge of rural development.

As with any nominee, the Senate has a responsibility also to examine Mr. Dorr's financial background and dealings. Former Secretary Veneman put it perfectly when she wrote to me:

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

So let us see whether Mr. Dorr meets the standards articulated by Secretary Veneman on behalf of the administration.

Mr. Dorr was the 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 business arrangements. This chart illustrates all of the various farming operations in which Mr. Dorr was involved.

Mostly you will hear about a couple of trusts: the Melvin Dorr trust and the Harold Dorr trust. There are also Seven Sons, there is the Iotex Farm Company, there is Ned Harpenau, Diamond D Bar. There is a complex web of different operations.

His operations included land in two trusts set up in 1977, one by his father, Melvin Dorr, and one by his uncle, Harold Dorr. For a time, Tom Dorr, through his company, Dorr's Pine Grove Farm, farmed the land held by the trusts under 50-50 crop share leases, with half of the crop proceeds and half of the farm benefits going to Tom Dorr's Pine Grove Farm and half going to the trust.

Then, beginning in 1988, Mr. Dorr filed new documents with USDA indicating that each trust had a 100-percent share of the crop proceeds and were entitled to receive 100 percent of the program benefits.

Tom Dorr, acting through Dorr's Pine Grove Farm, still farmed the land as before, but he claimed the arrangement had become "a custom farming arrangement."

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 and out of line with other custom farming fees in that area. Paul Dorr taped a telephone conversation with Tom Dorr that corroborated his suspicions that Tom Dorr was engaged in misrepresentation.

Paul Dorr contacted the Farm Service Agency and persisted in his request for an investigation. Finally, in the spring of 1996, the Farm Service Agency conducted a review of the Melvin G. Dorr irrevocable family trust. The Farm Service Agency found that the forms filed and signed by Thomas C. Dorr for the 1993, 1994, and 1995 crop years misrepresented the facts, and the trust was required to pay \$16,638 to USDA. That is just one—that is, the

Melvin G. Dorr trust had to repay that amount. That is the result of an investigation in 1996.

In the fall of 2001, after Mr. Dorr had been nominated for this position, the USDA Office of Inspector General conducted a further review of Mr. Dorr's affairs. The OIG asked the Farm Service Agency to review the Harold E. Dorr irrevocable family trust. Once again, that trust then was found to be in violation of program rules because of the misrepresentation on USDA forms signed by Thomas Dorr. So now that trust had to pay USDA \$17,152 in benefits and interest for what was paid out to them in 1994 and 1995. So a total of \$33,782 was paid back by the two trusts.

USDA investigations determined that for the years examined, the forms signed by Tom Dorr misrepresented the trusts' shares in the crop proceeds. They found, in reality, the land in both of those trusts was farmed on a 50-50 crop share basis, it was not custom farming. The trusts, therefore, were not eligible for the 100-percent share of the program benefits they had received because Tom Dorr had misrepresented the actual farming arrangement.

The records show that Mr. Dorr knowingly carried on a crop share lease arrangement between his farm, Pine Grove Farm, and each of the trusts, even as he represented to the Farm Service Agency that it was custom farming, not crop share leases.

How do we know this? We know this because in a telephone conversation that Mr. Paul Dorr taped, and which I played for the committee in the hearing this spring, Tom Dorr is on that tape, in his own words, admitting that the so-called custom farming arrangement was, in fact, a crop share. And here is the transcript. This is a partial transcript of that conversation.

Paul Dorr:

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

Tom Dorr interrupts him and said:

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

Mr. Dorr's operation.

Paul Dorr:

And . . . to, it is to your benefit to your other crop acres . . .

Tom Dorr:

. . . that's right. . .

Tom Dorr filed that way in order to avoid the \$50,000 payment limitation, and he knew full well what he was doing.

This is the payment limits connection. Part of the farm program payments for land in these two trusts should have been paid directly to Tom Dorr's Pine Grove Farm under what was actually a crop share arrangement. Those payments would have counted toward Mr. Dorr's payment limitation. Instead, Mr. Dorr misrepresented to USDA the operation; therefore, the money was funneled through the trusts and not counted against Mr. Dorr's payment limitation.

Indeed, the Farm Service Agency review of Dorr's Pine Grove Farm Company found that Mr. Dorr's misrepresentations in signing up the trust land in the farm program "had the potential to result in Pine Grove Farm 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 payments. So 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 and any affirmative civil enforcement due to the fact that the statute of limitations had run.

I have a copy of that letter. I ask unanimous consent to print the letter in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE, ATTORNEY, NORTHERN DISTRICT OF IOWA,

February 7, 2002.

Re Thomas C. Dorr, Marcus, Iowa PS-0301-616.

DALLAS L. HAYDEN,
U.S. Department of Agriculture, Great Plains Region, 5799 Broadmoor, Suite 700, 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 limitation issues.

Sincerely,

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

Mr. HARKIN. Mr. President, that is the letter from the U.S. Attorney's Office saying they were not moving ahead because the statute of limitations had run and they could not do anything—not that they had found Mr. Dorr innocent, but the statute of limitations had run.

Mr. Dorr's arrangement with these two trusts was only part, as I pointed out, of his extensive farming operations. Based on the seriousness of the violations involved, it was our responsibility to exercise due diligence regarding other parts of Mr. Dorr's complex farming arrangements and to take at least a look at earlier years that had not been involved in these investigations.

Again, whatever the Farm Service Agency or the Office of Inspector General did or did not pursue, that is not the end of the matter. We have the responsibility to look into this because fraud is fraud, and it is serious.

Shortly after the March 2002 nomination, Senator DAYTON, a member of our committee, wrote a letter asking for other information on the other financial entities with which Mr. Dorr was involved in 1988 to 1995. We never heard back. So I wrote to Secretary Veneman

on May 17 and on June 6, 2002, seeking a response to the committee's questions. We finally received a response to the letter and some materials, dated June 27, 2002.

I ask unanimous consent to have these letters from Senator DAYTON and me, along with the transcript of the audiotape printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 21, 2002.

Hon. TOM HARKIN,

Chairman on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express my very serious concerns regarding the nomination of Mr. Thomas C. Dorr for the post of the U.S. Department of Agriculture's Under Secretary for Rural Development. As you know, on the morning of his March 6th hearing before your Committee, The Des Moines Register published an investigative story that Mr. Dorr had been forced to repay the USDA's Farm Service Agency almost \$17,000 for improper payments between 1983 and 1995. The news article also cited passages from a taped telephone conversation in 1995, reportedly between Mr. Dorr and his brother, in which Mr. Dorr stated that he was intentionally deceiving FSA's predecessor agency, the Agricultural Stabilization and Conservation Service, about his farming operation's financial arrangements with a family trust of which he was a trustee with the sole power of attorney.

In this taped conversation, Mr. Dorr informed his brother that he had certified it to be a "custom fee" arrangement, when, in fact, it was a "crop share" arrangement. The reason he did so was, he said, "To quite frankly avoid minimum payment limitations."

When his brother asked whether this reporting was legal, Mr. Dorr replied, "I have no idea if its. . . I have no idea. I suspect if they'd audit and if somebody decided to come in and take a look at this thing, they could probably, if they really wanted to, raise hell with us . . ."

" . . . Uh, that custom fee is actually not the custom fee. That's crop rental income to me. That's my share of the income. . . "

According to The Des Moines Register, the ASCS received a complaint about this financial arrangement and subsequently received a copy of the reported tape. After their investigation of the financial arrangement with M.G. Dorr Irrevocable Family Trust for the years 1993-1995, the ASCS reportedly determined that it was a crop share arrangement, rather than a custom fee arrangement, which Mr. Dorr, acting with power of attorney for the trust had certified to be the case.

However, Mr. Dorr himself directly contradicts his certification in the taped conversation with his brother. In his own words, Mr. Dorr knowingly and intentionally misrepresented this farming arrangement in order, as he said, "to quite frankly avoid minimum payment limitations."

During my questioning of Mr. Dorr at the hearing, he contradicted his own reported statements during the taped conversation. He contended that the arrangement with the trust was a custom fee, rather than a crop share arrangement. At one point, he stated, "There was not a filing that we were a custom fee operation or anything like that." This assertion is at variance with his reported certifications annually to ASCS attesting to a custom fee arrangement. I subsequently noted that the M.G. Dorr Irrevocable Family Trust was originally established and

operated and farmed in a contract share arrangement, until 1987 or 1988, when Mr. Dorr changed the report to a custom fee arrangement. Mr. Dorr responded, "That is correct, and that was at the request of my uncle. I did not initiate that."

When I asked him about the determination by FSA that the Trust was "in violation of shares" in 1993, 1994, and 1995, Mr. Dorr replied, "Well, Senator, I would simply reiterate that the county committee originally reviewed this, decided there was, in fact, no violation of shares. Then, ultimately, it was taken to the state committee by someone, I do not know who, when they determined—frankly, I view this matter, \$17,000, it is not a huge sum of money, and I look at it, to some extent, as a tax audit."

I replied, "Mr. Dorr, I look at it differently. I look at it, and I think any farmer in Minnesota who deals with these programs would look at it for what you, yourself, in these tapes said it was: a clearly intended attempt to violate, to circumvent, or to evade these payment limitations."

I continued, "I cannot imagine that somebody could be put in place of administering this agency, which is responsible for all of these programs, somebody who has devoted himself to try to circumvent the very regulations and laws which were set up just for this reason, and where you, yourself, knowingly falsified statements and documents that were submitted to the Federal Government, attesting to an arrangement that you, yourself were saying at the time did not exist, that a different arrangement existed. That is how I view it, sir."

For some inexplicable reason, FSA reviewed only one trust for only the years 1993 through 1995. In his testimony, Mr. Dorr stated that there were actually seven different entities established by Dorr family members to own and operate approximately 2,200 acres of farmland in Iowa. During my questioning, he acknowledged that his farming operation had "the same arrangement" with the Harold Dorr Trust. Evidently, there are other trusts or entities, perhaps even more than seven, for which there have been no financial audits. Even the arrangement with the trust which was found to be in violation during three years was not further audited for the preceding years, since Mr. Dorr himself reportedly changed the certification from a crop share to a custom fee arrangement.

Reportedly, an end of the year review (EOYR) was initiated regarding Mr. Dorr's own farming operation. However, there is evidently no record of that review being completed, nor is there any report thereof.

Based upon this very incomplete review, and given the definite and disturbing discrepancies cited in the one and only review to date, I believe very strongly, and I ask you, Mr. Chairman, that the Committee not vote on Mr. Dorr's nomination until all of these other financial entities and their financial transactions involving either the receipt of or the disbursement of federal payments through USDA programs have been reviewed during the years in question, approximately 1988 through 1995. I believe that a further review is necessary to ascertain that all these financial arrangements which were supposedly revised after the FSA determination, did in fact occur, and they have operated properly thereafter.

Regardless of these particular findings, Mr. Chairman, I remain deeply troubled by this nomination. However, I will reserve my final judgment until this important information is made known to me and to the other Members of this Committee.

Thank you in advance for your consideration of my request.

Sincerely,

MARK DAYTON.

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 fr. . . 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, 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 sec-

ond pause with music in 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, 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, 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 figure, uh, and looking back 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.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, May 17, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: Thank you for your phone call yesterday. To follow up on one of the matters we discussed, I appreciate your understanding that, given the intense work required by the farm bill conference, the Committee has not had the opportunity to take further formal action on the nomination of Thomas Dorr to the position of Under

Secretary of Agriculture for Rural Development.

I certainly appreciate your interest in having an Under Secretary for Rural Development confirmed. However, as you recall there were substantial questions raised at Mr. Dorr's nomination hearing and in later correspondence that will need to be answered before proceeding further.

To my knowledge no response has been provided to the questions in Senator Dayton's letter dated March 21, 2002. If that is indeed the case, I would appreciate your sending to Senator Dayton and to the Committee answers to the questions raised in his letter. Although you and Mr. Dorr were copied on the original letter you will find a copy of Senator Dayton's letter attached for your information. An expeditious response to Senator Dayton's request will greatly assist the Committee in completing its consideration of the nomination.

Thank you in advance for your time and attention to this matter.

Sincerely yours,

TOM HARKIN,
Chairman.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, June 6, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: Thank you for your letter dated May 28, 2002 regarding the nomination of Tom Dorr as Under Secretary of Agriculture for Rural Development. With the hope of moving this matter to resolution, I would like to clarify relevant facts and the status of responses to the Committee's questions.

To recap what is established, for many years, Mr. Dorr, operating through Dorr's Pine Grove Farms (of which he was sole owner), conducted farming operations on land held by the Melvin Dorr Trust and the Harold Dorr Trust. In some of the earlier years, the arrangements were represented to USDA by Mr. Dorr as crop share leases but at some later point he represented them as involving custom farming by Dorr of the trusts' land.

The Farm Service Agency (FSA) conducted a year-end review on the Melvin Dorr Trust for the years 1994 and 1995 in calendar year 1996. In 2001 the FSA conducted a year-end review on the Harold Dorr Trust for 1994 and 1995. In both reviews, it was concluded that the arrangement between Mr. Dorr's Pine Grove Farms and each of the trusts "was a crop share arrangement, not the custom farming arrangement it was represented to be." The trusts were required to repay some \$17,000 in farm program payments that they had improperly received for those years because of the "erroneous representation" to USDA by Mr. Dorr, who also served as a trustee of each of the trusts.

The conclusion that the arrangements were crop share leases rather than custom farming is supported by information before FSA and now before the Committee. For example, the payment to Dorr, through Dorr's Pine Grove Farms, was similar to amounts that would have been received through a crop share arrangement and far above normal and usual custom farming fees. In addition, in a tape recorded telephone conversation, Mr. Dorr said, "Besides those two machine charges [combining and hauling grain to the elevator], everything else is done on a 50-50 normal crop-share basis." He also said, "that custom fee is not a custom fee. That's crop rental income to me. That's my share of the income." Regarding the reason the arrangements were set up in this manner and

represented to USDA as custom farming, Mr. Dorr said it was to "avoid a 50,000-dollar payment limitation to Pine Grove Farms." At another point Mr. Dorr said, "I, we filed the way the farm, the trust land, both for the Melvin Dorr Trust and the Harold Dorr Trust are operated with the ASCS, to quite frankly avoid minimum [sic] payment limitations. OK?" Evidently, these arrangements and representations to USDA would direct farm program payments through the trusts that would have otherwise normally under a crop share arrangement gone directly to Mr. Dorr through Dorr's Pine Grove Farms. As to Mr. Dorr's understanding of the propriety of the arrangements and representations, he said, "I suspect if they'd audit, and if somebody decided to come in and take a look at this thing, they could probably, if they really wanted to, raise hell with us."

Because of the evidence of misrepresentation to FSA in connection with the effort to avoid payment limitations, the Committee was and is keenly interested in determining whether there may be other instances in which Mr. Dorr may have misrepresented farming arrangements in connection with seeking to avoid farm program payment limitations. Questions were asked at the nomination hearing, but unanswered questions remained. My letter dated May 17, 2002 and Senator Dayton's letter dated March 21, 2002 attempt to make clear that the Committee is interested in having the FSA conduct a year-end review of the Harold and Melvin Dorr Trusts for each of the years 1988 through 1993.

In your letter of May 28, you assert that the Office of Inspector General (OIG) has concluded that the Committee has received all the information it is requesting and that the Inspector General indicated that a "full and thorough investigation has been conducted regarding the matters pertaining to Mr. Dorr . . ." In fact, the memorandum from the Acting Inspector General that you attached does not support your assertion but instead contradicts it. The Inspector General's memorandum clearly delineates what OIG had investigated and what it had not. It had not investigated the years 1988-1992, and gave no indication that the Committee had been provided the information on these years it is seeking. Likewise, the memorandum makes clear that OIG has investigated only the matters referred to it and that it had not conducted a thorough investigation of all the matters relating to Mr. Dorr. I would encourage you to discuss this matter further with the Acting Inspector General.

Thus, the Committee continues to seek information about the period 1988 through 1992, during which time our understanding is that the arrangements were also represented to USDA to be custom farming and not crop share. We would also like to know if in fact the trusts have repaid the funds required by the year-end reviews already conducted as noted above.

It is true that the United States Attorney for the Northern District of Iowa declined to prosecute Mr. Dorr upon referral from the OIG, but it is the Committee's understanding that the statute of limitations had run in any case. Avoiding criminal prosecution, however, is only the most minimal and insufficient criterion for confirming an individual to a position as important as that of Under Secretary of Agriculture for Rural Development. Surely, nominees must be held to a higher standard.

Consistent with my earlier statements, I do intend to move forward on Mr. Dorr's nomination, but for the Committee to do so—in conformity with its obligations and responsibilities—it must receive the information it reasonably requires and has requested to evaluate the qualifications and

fitness of the nominee to serve in this important position.

Thank you for your attention to this request.

Sincerely yours,

TOM HARKIN,
Chairman.

Mr. HARKIN. But critical questions remained unanswered. The materials provided late in June showed that over \$70,000 in farm program payments had been received by the two trusts that were prior to that, from 1988 to 1992. So what turned up were some new questions.

If, in fact, Mr. Dorr had misrepresented his farming operations and he had been caught and the trusts had to pay back money for 3 of those years, what about the 5 years prior to that?

So I wrote a letter on July 24, 2002, and asked for the record on all these other operations from 1988 through 1992. That was Wednesday, Thursday, Friday, Saturday, Sunday—on Monday, I received a letter back from Secretary Veneman, dated July 29, in which basically she said that this issue has gone on too long, that we need to move this nominee. She did not say they did not have the records. She basically said it is time to move this nominee ahead.

Mr. President, I ask unanimous consent that my letter of July 24, 2002, the questions I submitted and the response of the Secretary of Agriculture on July 29, 2002, be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, July 24, 2002.

Re nomination of Thomas C. Dorr

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Department of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: Committee staff has reviewed certain information provided concerning the Melvin G. Dorr Irrevocable Family Trust and the Harold E. Dorr Irrevocable Family Trust and the Department's response that the information necessary to conduct a review of the farming arrangements for the 1988 through 1992 crop years is no longer available. Committee staff has also reviewed the information provided to the Committee regarding the end-of-year review for the 1994 and 1995 crop years for Dorr's Pine Grove Farm Company. To examine the Committee's concerns adequately, I respectfully request that the Department provide the additional information requested below:

1. Please provide the Committee with copies of all documents considered by the end-of-year review committee regarding Dorr's Pine Grove Farm Company for the 1994 and 1995 crop years.

2. Please provide the Committee with crop shares per CCC-477 for each of the crop years from 1988 through 1992 by farm number for each of the following entities or individuals: Dorr's Pine Grove Farm Company; PGF Seeds, Inc.; Thomas C. Dorr; Melvin G. Dorr Irrevocable Family Trust; Harold E. Dorr Irrevocable Family Trust; Melvin G. Dorr Irrevocable Trust; Harold E. Dorr Irrevocable Trust; Melvin G. Dorr; Harold E. Dorr; Belva Dorr; Dorr, Inc.; Iotex Farm Company; Seven Sons; Austin Properties; Diamond D

Bar, Ltd.; Charles Dorr; Philip Dorr; Lawrence Garvin; Ned Harpenau; Richard Tolzin; Arlene Lanigan; and Paul Polson.

3. Please provide the Committee with a list of all farm program payments by crop year to each of the above entities or individuals for the crop years 1988 through 1992.

4. Please provide the Committee with copies of all CCC-478 and CCC-502 forms for Dorr's Pine Grove Farm Company for crop years 1996 through 2001.

Attached are five additional questions for the nominee. They are submitted for the record as a continuation of his nomination hearing, and thus Mr. Dorr should answer under oath.

Consistent with my earlier statements, for the Committee to move forward with this nomination, it must receive the information it reasonably requires and has requested to evaluate the qualifications and fitness of the nominee to serve in this important position.

Thank you for your attention to this request.

Sincerely,

TOM HARKIN,
Chairman.

QUESTIONS SUBMITTED BY SENATOR HARKIN
THOMAS C. DORR

Question: In a letter dated May 8, 1996, you were informed that your farming operation, Dorr's Pine Grove Farm Co., had been selected for a 1995 farm program payment limitation and payment eligibility end-of-year review. You were informed that the farming operation would be reviewed to determine whether the farming operation was carried out in 1995 as represented on the CCC-502, Farm Operating Plan for Payment Eligibility Review. You were asked to provide documents and information and were further informed that if you failed to provide the requested information within 30 days of the date of the letter that you would be determined not "actively engaged in farming for the 1995 crop year." In a letter dated June 1, 1996, you requested a 30-day extension of the initial deadline citing weather and family concerns. In a letter dated June 7, 1996, Michael W. Houston the County Executive Director informed you that the Cherokee County Committee approved your request to July 8, 1996 to provide additional information requested by the End of Year Review Committee. The only further information with regard to this end-of-year review is a handwritten note in the file that reads: "Rec'd phone call from T. Dorr on 8-3-96 at home. Dorr plans on completing requested info., but needs more time. MWH" Please explain in detail what information and documentation you provided the county committee, when you provided the requested information, and your recollection of how this matter was resolved.

Question: According to Farm Service Agency records, for most farming operations in which Dorr's Pine Grove Farm Co., claimed a crop share, that share was roughly 50 percent, ranging from 44.77 percent to 51 percent. However for farm number 2571, Dorr's Pine Grove Farm Co. claimed a 23.6 percent share in 1998 and 1999 and a 33.38 percent share in 2000 and 2001. Please explain in detail why the crop share for farm number 2571 deviated so greatly from the customary crop share. Please provide the Committee with documentation, such as crop insurance records, to corroborate the crop shares as stated on the CCC-478 for the 1998, 1999, 2000 and 2001 crop years.

Question: Please explain in detail the process you went through to change the custom farming arrangements between Dorr's Pine Grove Farm Co. and the Melvin G. Dorr Irrevocable Family Trust and the Harold E.

Dorr Irrevocable Family Trust to a 50/50 crop share.

Question: Please describe the fanning arrangement between Dorr's Pine Grove Farm Co. and each of the following entities and individuals for each of the 1988 through 1992 crop years; e.g., whether any land owned by the entity or individual was leased by Dorr's Pine Grove Farm Co. or whether Dorr's Pine Grove Farm Co. provided custom farming services for an entity or individual. For each lease arrangement state the total number of cropland acres leased and the terms of the lease, i.e. whether cash rental, or if crop share the crop share percentage. For each custom farming arrangement state the custom farming services provided and the fees paid to Dorr's Pine Grove Farm Co. in total and on a per acre basis.

PGF Seeds, Inc.; Thomas C. Dorr; Melvin G. Dorr Irrevocable Family Trust; Harold E. Dorr Irrevocable Family Trust; Melvin G. Dorr Irrevocable Trust; Harold E. Dorr Irrevocable Trust; Melvin G. Dorr; Harold E. Dorr; Belva Dorr; Dorr, Inc.; Iotex Farm Company; Seven Sons; Austin Properties; Diamond D Bar; Charles Dorr; Philip Dorr; Lawrence Garvin; Ned Harpenau; Richard Tolzin; Arlene Lanigan; and Paul Polson.

Question: Please list all other entities and individuals not included in the previous question with which Dorr's Pine Grove Farm Co. had a farming arrangement for any of the 1988 through 1992 crop years. For each entity and individual listed describe the farming arrangement; e.g., whether land owned by the entity or individual was leased by Dorr's Pine Grove Farm Co. or whether Dorr's Pine Grove Farm Co. provided custom farming services for the listed entity or individual. For each lease arrangement state the total number of cropland acres leased and the terms of the lease, i.e. whether cash rental, or if crop share the crop share percentage. For each custom farming arrangement state the custom farming services provided and the fees paid to Dorr's Pine Grove Farm Co. in total and on a per acre basis.

THE SECRETARY OF AGRICULTURE,
Washington, DC, July 29, 2002.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Nutrition & Forestry, Senate Hart Building, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of Wednesday, July 24, 2002, regarding your request for a new, extensive review of records regarding Tom Dorr, the President's nominee to be USDA's Under Secretary for Rural Development.

This Department has complied with all your previous requests. We have done so in a timely and responsive manner. We complied when your request was expanded to include family members for which Tom Dorr has no control. Now, you have requested USDA to provide not only additional information on Mr. Dorr, his family members, but your inquiries have expanded to include extensive information from deceased and elderly Iowans.

Mr. Chairman, I urge you to move forward on the nomination of Tom Dorr by requesting the full Committee to vote on his confirmation. For more than 450 days we have acted in good faith in providing the Committee every bit of information requested.

Additionally, the Department has scoured through its own records, going back nearly fifteen years, at your request. We have done this not once, but on several occasions to cooperate with the Committee. And, we even did so after the Office of Inspector General, the independent investigative arm of the government, concluded that, "we have investigated the matters referred to OIG concerning Mr. Dorr fully and consider this case

to be closed . . . there is no new evidence to warrant reexamination nor the need to open a new investigation."

Mr. Chairman, rural development programs are critical to communities throughout America and to your home state of Iowa. We are working diligently to implement a new farm bill that strengthens these programs, however, this task has become even more difficult without the leadership at the helm of this agency.

As well, each time a new request comes from you and your staff, we have to take valuable time and resources away from our already overwhelmed Iowa Farm Service Agency staff who have been working tirelessly on farm bill implementation, and trying to serve Iowa farmers and ranchers, who need their help for program administration.

This latest demand of the Iowa FSA office requests an investigation into 22 separate farm entities, data from hundreds of forms dating back nearly fifteen years, and even information from Iowa citizens who are deceased. Quite frankly, from what the staff in Iowa reports, it could take several months to compile this latest request, and drain a great deal of time, resources and effort away from farm bill implementation and constituent services in your state.

Chairman Harkin, I certainly appreciate the work of the Committee on our other nominees, but am very concerned as to the process involved with Mr. Dorr, particularly as he has received bipartisan support from members on the Committee.

During the past year, Mr. Dorr and his family have weathered this extensive and exhaustive process. He has done everything asked of the Committee and has discontinued active farming and sold all his farm equipment. Mr. Dorr has been through an extensive hearing process, answered every question asked of him, and in good faith provided financial information, as requested.

I understand the need for any Senate Committee to receive and request information about nominees. Any person who serves this nation should live by the highest of standards. It is my belief that Mr. Dorr has demonstrated his ability to serve and to lead. And, throughout this process of hearings and inquiries, he remains a strong candidate for this position.

Mr. Chairman, again, this is a massive request of information and I feel you have held Mr. Dorr, a fellow Iowan, to a different standard. The Committee for the past year has sought, and received a plethora of information regarding this nominee and I urge you to allow Members to consider what has been provided in moving Mr. Dorr's nomination to the full Committee for a vote.

The best course of action is to proceed forward, take a stand, and make a decision on this nomination. The Department, as well as Mr. Dorr, has fully cooperated through this long and extensive process. I would hope, with all due respect, that you would allow Mr. Dorr and his family, the opportunity to have a Committee vote on his nomination. Mr. Dorr, as a proud Iowa native, is ready, able and capable of serving this Department and this nation.

Sincerely,

ANN M. VENEMAN.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC July 29, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: As you said in your letter today, "Any person who serves this nation should live by the highest of standards."

I could not agree more. For months this Committee has sought without success to obtain crucial information dealing with very serious farm program payment issues involving the nominee Thomas C. Dorr and the Farm Service Agency. The response from the nominee and from the Department of Agriculture has been slow, grudging and minimal. There has been no "plethora" of information provided to the Committee.

Shortly after the nomination hearing, Senator Dayton's letter of March 21, 2002 asked for information on the various financial entities with which Mr. Dorr was involved from 1988 through 1995. I wrote you on May 17 and June 6 seeking a response to the Committee's questions. Your letter of June 27 and attached materials left critical questions unanswered and, in fact, raised further questions about farm program payments and Mr. Dorr's farming arrangements that are the basis for the Committee's most recent request.

Based on what has been provided, it is known that the nominee was closely involved in misrepresentations to USDA which after investigation led to the required repayment of substantial amounts of farm program payments. Initially, the sum involved was some \$17,000, but as the Committee looked further into the matter, it was made aware that another amount of some \$17,000 was required to be repaid. Furthermore, information provided to the Committee late in June shows that some \$65,000 in payments (not counting potential penalties and interest) were received under the same circumstances that led to the required repayment of the two \$17,000 amounts.

The nominee was the self-described Chief Executive Officer of Dorr's Pine Grove Farms, Inc. In that position he created an exceedingly complex and convoluted web of farming business arrangements. The purposes for these various arrangements is not altogether clear, but according to the nominee himself in the case of two Dorr family trusts the purpose was to avoid the farm program payment limitation for Dorr's Pine Grove Farms, Inc. It was the misrepresentations to USDA of the nature of these arrangements that led to the required repayment of farm program benefits. The matter was referred to the United States Attorney for possible criminal prosecution, but it is my understanding that the statute of limitations had run.

Recent corporate disclosures have underscored the obligation of corporate officers to play by the rules. Just like any other CEO, Mr. Dorr had responsibilities, not the least of which was that of fair and honest dealing with the Department of Agriculture regarding farm program payments. As a nominee, he also has responsibilities, chiefly to respond fully and honestly to questions that bear directly on his fitness to serve in a high position of honor and trust in the federal government. This nominee would do well to follow the advice given to other CEO's in awkward positions: come clean and lay all the cards on the table.

Ordinarily, a nominee would be eager to cooperate fully and provide the necessary information to clear up legitimate questions. The responsibility is the nominee's. It is not the responsibility of the Committee to issue subpoenas and pursue litigation-type discovery to get to the bottom of valid questions about a nominee. However, instead of cooperation, this Committee has only seen delay, unresponsiveness and now outright refusal regarding this nomination. The length of time it has taken to consider this nomination lies squarely at the doorstep of the nominee and the Department.

After much effort by the Committee to obtain answers to serious and legitimate ques-

tions, it is now clear that neither the nominee nor the Department intends to cooperate further with the Committee. Therefore the Committee will have to make a decision based on the troubling and inadequate information it has. I intend to bring the nomination before the Committee on Thursday to consider whether this nominee in his dealings with USDA and with this Committee does indeed "meet the highest standards."

Sincerely,

TOM HARKIN,
Chairman.

Mr. HARKIN. Mr. President, what I am saying is, let's try to boil this down. Thomas Dorr, in 1988, went into his local USDA office and refilled his farming operations. He said: No longer am I crop sharing with the trusts, I am custom farming. That meant that more money would go to the trusts and that payments to those trusts would not count against his farming operations payment limitations.

In 1995, his brother taped this conversation. He went to the Farm Service Agency. They investigated and found, indeed, that Thomas Dorr had misrepresented his operations, and the family trusts had to pay back nearly \$17,000 in 1996.

Then after he got the nomination, a further investigation ensued and found the other family trust also had to pay back over \$17,000. This was in 2001. Well, this is only for the years 1993 through 1995. So the family trusts paid \$33,782. However, I asked about those other years, the years prior to 1993: 1988, 1989, 1990, 1991, and 1992; give us the records for all of these different operations. That is what the Department of Agriculture would not give us. They would not give us those records.

So we know that the farm payments to one of the trusts from 1988 to 1992 were \$35,377. We also know that payments to another trust from 1993 were \$35,025. What I am saying is if in fact Thomas Dorr's operations were the same during those earlier years as they were in 1994, 1995, and 1996, for which the family trusts had to pay back the money, Mr. Dorr's family may owe as much as \$104,184 to the Federal Government rather than the 30-some-thousand dollars the trusts had to pay back earlier. We do not know for certain. Because I have never seen the records. I have asked repeatedly for the Department to make those records clear.

Again, my bottom line on this nominee, No. 1, this is an important position. No. 2, he falsified his documents to the U.S. Department of Agriculture in order to obtain money. His family had to pay some of it back. We cannot get the records from the Department of Agriculture to see what may be owed for the years before, and yet we are being asked to confirm this individual as Under Secretary for Rural Development.

As I said, I take no pleasure in opposing this nominee. I have never before opposed an Iowan for any position. This has nothing to do with ideology. It has nothing to do with that. I have supported many conservatives from

Iowa for positions in the Federal Government. My bottom line is, someone who knowingly misrepresented the truth to the Federal Government to obtain money, who was caught at it, which had to be paid back, who by his own words on tape said he did it to avoid farm payment limitations, I do not think that person ought to receive an under secretary's position in the Department of Agriculture.

What message does it send to farmers? Go out and defraud the Government, just be careful and do not get caught. What a terrible situation.

I have no problem with any farmer arranging his or her farming operation to get maximum payments within the law from the Government. There is nothing wrong with that. But that is not what he did. He knowingly filed false documents with the Government. That is what is wrong. That is why someone such as that does not deserve to be under secretary.

Mr. DAYTON. Will the Senator yield for a question?

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

Mr. DAYTON. First, I want to commend the Senator for his integrity and his courage in standing up. I know, as the Senator said, this is an unpleasant matter and that is why I wanted to bring to light, having served with the distinguished Senator, now ranking member but then chairman of the Senate Agriculture Committee, is my recollection correct that this matter was brought to light in a front-page story expose by the leading newspaper in Iowa? This was not a matter that was a partisan trying to find information about somebody, this was brought forth by the newspaper itself?

Mr. HARKIN. The Senator is right. The Des Moines Register did expose this story. At that time they had the tape of the telephone conversation. That is how it came to light at that time. It was based on that and then based upon the investigations at that time in 1996.

Then in 2001, after he got nominated, the OIG went further and found further discrepancies in 1994, and 1995, for which the other family trust had to pay back more money. Well, when 2001 goes into 2002, that is when they referred it to the U.S. Attorney's Office for prosecution. The U.S. Attorney, as I said, wrote a one page declaratory letter saying the statute of limitations has passed.

That is when everything was dropped. After that, we began to ask more questions in 2002, and as the Senator from Minnesota referred to, I wrote a letter to the Secretary asking for these records. I followed up with a letter in July further asking for these records, and we have never to this date received those records of the prior years to see what his filings were like and how much money had been paid in those previous years based on misrepresentations.

Mr. DAYTON. Would the Senator yield for another question?

Mr. HARKIN. I would be delighted to yield for a question.

Mr. DAYTON. During the time the Senator referenced, I believe the Senator was the chairman of the Senate Agriculture Committee. It was the responsibility of the administration to perform the due diligence necessary to investigate all of the relevant factors, the background of this gentleman, Mr. Dorr, but especially it was then the responsibility of the oversight committee of the Senate, the Agriculture Committee, of which the Senator was chairman, to look into these matters. I again commend the Senator for taking on that responsibility as the chairman of the committee and doing it so forthrightly.

Mr. HARKIN. I thank my friend from Minnesota for his great work on the Agriculture Committee and for again trying to bring to light what went on with this whole matter. Again, I say to my friend from Minnesota, I take no delight in this. I have never before opposed an Iowa and I do not take any joy in this, either. But some things rise above party, some things rise above our own feelings about our State and our pride in our own State. I think this rises above that. This rises to the level of saying whether someone with that kind of background deserves to be Under Secretary for Rural Development.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. HARKIN. I reserve the remainder of my time and yield the floor.

Mr. KOHL. Mr. President, our colleagues from Iowa, Mr. Dorr's home State, have laid out very divergent views and analysis of the nominee's background and temperament. I will not expand on those, as this body has already spent considerable time and energy on this topic.

Rural America is changing a great deal. Changes in immigration, employment patterns, technology, health care, and the economy are continually reshaping the contours of rural America. The challenges are many and the Under Secretary for Rural Development can have considerable impact on those challenges. It is a position that demands foresight, judgment, and willingness to embrace change creatively.

I will not be endorsing the Dorr nomination. But I recognize the President's authority to make such nominations. And as the ranking member of the Senate Subcommittee on Agriculture Appropriations, I stand ready to work constructively with him on issues of mutual concern.

Mr. BOND. Mr. President, I rise in strong support of Tom Dorr to be confirmed as Under Secretary for USDA Rural Development. He is a product of rural America from the greater northern-Missouri area often referred to as Iowa. He is a farmer, a businessman, and a tireless innovator who understands and holds true to the values that embody the very essence of life in

rural America. Having had the privilege to meet with Mr. Dorr on several occasions, I have been impressed with his mind, his insight, his leadership, his passion, and his vision which is critical to the future of rural communities in Missouri and throughout the nation.

Mr. Dorr has lead USDA Rural Development's renewable energy efforts, from increasing value-added agricultural ventures to ensuring that our farmers, ranchers and rural businesses have access to capital needed to improve their energy efficiency and create new energy systems. He understands it is an effective way for utilizing our Nation's natural resources, and it is critical for the security of our country.

Most importantly, Tom Dorr has worked to build coalitions amongst Government agencies to share their expertise and resources to bring to the table a wider array of Government resources that can ensure that our Nation's renewable energy needs are met. We need his continued focus and leadership.

Tom Dorr has come to my home state of Missouri and met with community leaders and seen first hand how USDA Rural Development investments are making a difference. He has listened to our leaders, and he will use that insight to help him direct future rural development activities. Mr. Dorr understands that rural development doesn't happen in Washington, it happens in the community and he understands that the future innovative thinking.

With this confirmation process, he will never have to prove his patience and determination in any other way. I believe he is the creative and active force that is needed to ensure that rural America anticipates and seizes the opportunities of a rapidly-evolving future and I urge his approval.

Mr. FEINGOLD. Mr. President, I rise today to speak on the nomination of Thomas C. Dorr to be Under Secretary for Rural Development and 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 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.

My objections to this nomination are not simply based on the nominee's views, however. 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 and admitted abuse of the Government's farm programs. While I acknowledge Mr. Dorr's recent apology, his insensitive remarks and ethical record are not compatible with the important position to which he has been nominated, and I will oppose his nomination.

Mr. INHOFE. Mr. President, today I rise to support the nomination of Tom Dorr for Under Secretary for Rural Development in the Department of Agriculture.

Thomas Dorr, with his powerful vision for rural America, with his proven leadership as Under Secretary, and with the trust that so many have placed on him, is more than qualified to be confirmed by the Senate.

Let me provide a little background information on this nomination process since President Bush took office in 2001. On March 22, 2001, President Bush announced his intention to nominate Tom Dorr to serve as the Under Secretary of Rural Development. During that year, three nomination hearings were scheduled and then canceled; finally, during the August 2002 recess, the President appointed Mr. Dorr as Undersecretary.

During Mr. Dorr's tenure as Under Secretary, it has been his leadership and dedication that led to the long list of improvements that increased economic opportunity and improved the quality of life in rural America.

He tackled the very complicated and difficult problems involved in the Multi-Family Housing Program that, according to the one congressional staff member, "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.

Also while he served as Under Secretary, Mr. Dorr supported the use of

renewable energy, which led to millions of dollars in grants to develop renewable energy sources; Mr. Dorr boosted the morale of USDA Rural Development employees; Mr. Dorr aided in the development of community water/wastewater infrastructure—and the list goes on.

After his temporary position as Under Secretary, Tom Dorr has completely resurfaced USDA Rural Development. This is a result of his vision for USDA Rural Development. During his term, Mr. Dorr changed USDA Rural Development from being the lender of last resort to one where employees aggressively seek out investments to make in people and organizations that will fulfill its mission.

On June 18, 2003, the Agriculture Committee recommended Mr. Dorr to the Senate on a bi-partisan vote of 14–7. On December 19, 2003 the full Senate failed to break Senator HARKIN's hold on the nomination by a vote of 57–39, six Democrats and fifty-one Republicans. Since the attempted cloture, President Bush again nominated Tom Dorr in January of this year, only for Mr. Dorr to meet more of the same from the Senate.

One Senator has held up the confirmation since April 30, 2001, and after President Bush has nominated a qualified candidate for this position three times, we still have yet to see an up or down vote. Despite the fact that Tom Dorr has proven his leadership as Under Secretary, some have still insisted on using the politics of obstruction and partisanship to keep Mr. Dorr from receiving confirmation in this Senate.

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

Mr. Dorr's leadership for Rural Development included an aggressive outreach program to rural residents in need of assistance and an innovative effort to leverage more appropriated dollars into program dollars. In fact, Rural Development receives from Congress annual budget authority of about \$1.9 billion, and they turn it into \$15 billion in program dollars. This includes the administrative money for the agency. In other words, Rural Development takes 12 cents and turns it into a dollar of assistance for rural economic development efforts, which is a level of efficiency difficult to find in most Federal agencies. During his term, Mr. Dorr encouraged the increased use of guaranteed loan programs versus grants to achieve this efficiency as well as very strict tracking of loan servicing.

In other words, Rural Development “invests” its dollars expecting a return on investment, rather than just throwing money at communities and hope they fix themselves.

I have seen many of these projects first hand in Oklahoma, from revolving loan funds to business incubators to new water systems. Loans matched

with grants with realistic expectations from Rural Development partners is what I see as I tour rural Oklahoma. It takes visionary leadership to achieve this, and for a short time in 2002 and 2003, Mr. Dorr provided this leadership. It is still needed in this important agency.

What Mr. Dorr's vision has meant for Oklahoma is an increase in funding assistance. Oklahoma's Program Level in the past 4 years has gone from \$193 million to \$322 million. Business Programs have increased 500 percent, Housing Programs have doubled, and all of this is attributable to the outreach efforts encouraged by Mr. Dorr as well as the leveraging efforts he has put in place to allow each Federal dollar to go further.

Mr. Dorr has also made several visits to Oklahoma providing technical assistance on ethanol production, which may lead to the development of our first ethanol plant in our State. He has also met with our Rural Health Care Providers in Oklahoma to help bridge the gap between rural health needs and resources available from Rural Development.

Mr. Dorr is supported by many of our rural advocacy groups in Oklahoma as exemplified by the following quotes:

Ernest Holloway, President of Langston University Oklahoma's 1890 College:

Langston University has a direct stake in improving economic opportunities in rural Oklahoma . . . It is critical that we have strong and creative leadership at the Department of Agriculture in the Rural Development Mission Area. We strongly support Thomas C. Dorr for the position of Under Secretary for Rural Development.

Ray Wulf, President of Oklahoma Farmers Union, that includes 48 percent of the membership of the National Farmers Union:

. . . (Mr. Dorr) visited our state office here in Oklahoma City. During that meeting we had a very fruitful discussion relative to rural development and the creation of ethanol and oilseed opportunities within the state. He shared several rural development experiences within his own home state and demonstrated his expertise relative to those projects . . . we can see the value in having Mr. Dorr's expertise and experiences put to work on behalf of rural America. We trust that you will equally find such favor with Tom Dorr when he is considered for confirmation by the United States Senate.

Jeremy Rich, Director of Public Policy for the Oklahoma Farm Bureau:

Mr. Dorr has proven that he has the passion, skill and experience to lead the USDA's Rural Development efforts. Mr. Dorr has been a leading advocate for the value-added and sustainable agriculture that has benefited small family farmers and offered them an opportunity to remain competitive. In addition, he has pushed the Department to provide more creative outreach to minorities in order to ensure their full participation in USDA Rural Development program . . . Our members need Tom Dorr's leadership at USDA Rural Development.

Mr. Dorr also has the strong support of Oklahoma's Rural Development State Director, Brent Kisling:

The fact that the President continues to stand by Mr. Dorr since 2001 is a true testi-

mony to the confidence he has in the abilities of Thomas C. Dorr.

With all of the confidence that has been placed on Tom Dorr and with the incredible results that Mr. Dorr has delivered, I believe that he is capable of doing the job that rural America deserves.

The nomination process is supposed to be one of bipartisanship, where the Senate is given the opportunity to evaluate the credentials and to assess the competence of the nominee. Instead, this process has been skewed and perverted by Senator HARKIN and others that stand only for obstruction.

To some, it seems that the confirmation of Thomas Dorr has been a small, unimportant matter. To the agriculture industry, to the people of my State of Oklahoma, and to the people of rural America, this confirmation is not a small matter.

I ask unanimous consent that my remarks be inserted into the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that no time be charged against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHAMBLISS. Mr. President, the Senate Agriculture Committee has held two exhaustive hearings on the nomination of Tom Dorr to be Under Secretary of Rural Development. One of those hearings was held under the previous chairman's direction and a subsequent hearing was held earlier this year during my tenure as chairman, from which two issues were raised. The issues have been thoroughly explained by the Senator from Iowa in his previous comments, and based upon the two significant—and I do not want to minimize them—concerns the Senator from Iowa has, we have made a presentation. When I say “we,” the Senator from Delaware, Mr. CARPER, has been invaluable in helping us work through this process. Over the past 24 hours we have had conversations with Mr. Dorr and based upon those conversations, we have a letter in hand dated today to me as chairman of the committee, in which Mr. Dorr basically acknowledges a statement he made in 1999 that raised concerns of some people. He has rendered a public apology regarding the comments he made.

He further says in this statement: Regarding farm program payment issues, what I did was wrong. I regret I did it. If I had to do it over, I would not have filed my farming operations as I

did with the Farm Service Agency. I hope other farmers learn from what I did.

I ask unanimous consent that this letter be printed in the RECORD.

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

JULY 21, 2005.

Hon. SAXBY CHAMBLISS,
*Chairman, Senate Committee on Agriculture,
Nutrition and Forestry, Russell Building,
Washington, DC.*

DEAR CHAIRMAN CHAMBLISS: Regarding the Senate's consideration of my nomination to be Under Secretary of Agriculture for Rural Development, it is apparent there are concerns I should address.

First, I want to address a statement I made about diversity at a meeting at Iowa State University in December of 1999. The comment was not intended to be hurtful, I now realize that to many people it has been, and for this I apologize. I have been brought up to respect all people and my track record at USDA supports this belief. I have worked hard all my life to heal diversity issues and offer equal opportunities to all with whom I've been associated. I have been particularly involved in addressing these issues while serving at the Department.

Regarding farm program payment issues, what I did was wrong. I regret that I did it. If I had to do it over, I would not have filed my farming operations as I did with the Farm Service Agency. I hope that other farmers learn from what I did.

Thank you for your counsel and continued support of my nomination.

Sincerely,

THOMAS C. DORR.

Mr. CHAMBLISS. Mr. President, I say to the Senator from Iowa that he has been very diligent in his pursuit of this. As someone who has been integrally involved in American agriculture for almost 40 years, I appreciate his diligence because we need to make sure that people who are in the administration at the U.S. Department of Agriculture are respected and that they are the types of individuals who we need in these positions.

I know Mr. Dorr. I have seen Mr. Dorr in action, so to speak, in his position that he has been in for the last 4½ years. He is well respected across the country in the agriculture community because of the great work he has done. He is qualified for this position and I am going to support his nomination.

Before I yield 5 minutes to Senator HARKIN, which I will do, I would be happy to yield to my friend from Delaware for any comments he wishes to make.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I convey to Senator CHAMBLISS my respect and regards for the way he has handled himself in these negotiations over the last 24 hours. Senator HARKIN has done us all a favor. What he has done is reminded us when people make a mistake—and we all make mistakes. God knows I do—we ought to be willing to acknowledge that. There are serious mistakes, as I think Mr. Dorr has made with respect to his comments about diversity and minorities, and things Mr.

Dorr has done with respect to his own farming operation regarding minimum payments. He made serious mistakes. There was a period of time when it looked as though he wasn't willing to acknowledge those mistakes, at least to do so in the public forum. If someone makes mistakes of this magnitude, it doesn't mean they are forever denied the opportunity for public service. What it means is when their name comes before this Senate for confirmation for a senior position, in this case in the Department of Agriculture, that person should be held accountable for their mistakes. They should be willing to acknowledge their mistakes and they should be willing, essentially, to ask for forgiveness for those mistakes.

It is not always an easy thing to do. Mr. Dorr has made that acknowledgment. He said, I was wrong; what I did was wrong and I hope others learn from my mistakes.

It now falls to Senator HARKIN who, as we all know, has fought hard against this nomination, as to whether to accept this letter from Mr. Dorr for us to move forward to the actual vote on the nomination.

I want to say to TOM HARKIN, thank you for the way you handled yourself in the course of this debate over the last 4 years, for the important role you have played, and for your willingness to allow this nomination to come to a vote today.

With that having been said, I yield my time and thank the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I again thank the Senator from Delaware for his terrific work on this and other issues. Without his assistance this compromise would not have come together.

Mr. President, I ask unanimous consent, first of all, that Senator HARKIN be given 5 minutes following my comments.

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

Mr. CHAMBLISS. Second, I ask unanimous consent that the pending cloture motion be vitiated, provided further that upon the use or yielding back of the remaining debate time, the Senate proceed to a vote on the nomination. I further ask consent that following that vote the Senate proceed to an immediate vote on Calendar No. 102, the nomination of Thomas Dorr to be a member of the Board of Directors of the Commodity Credit Corporation and that the vote be by voice; provided further that, following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I ask unanimous consent for 2 additional minutes which I want to yield to the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection to granting an additional 2

minutes to the Senator from Minnesota?

Hearing none, the Senator from Iowa is recognized for 5 minutes, to be followed by the Senator from Minnesota.

Mr. HARKIN. First, let me pay my respects and express my gratitude to my chairman and friend, Senator CHAMBLISS. We have worked together on all matters of agriculture. He is a great chairman of our Agriculture Committee and I mean that most sincerely. He has given me and my staff every opportunity to work not just on this issue but all the other issues in agriculture. He has been most accommodating of every request I have ever asked. I could not have asked for more in terms of pursuing interests on the Agriculture Committee. I publicly thank Chairman CHAMBLISS for being a great chairman and being a great agricultural leader. I appreciate that very much.

I appreciate his leadership on this issue also. When you get into these kinds of things, it is never a happy situation for anyone on these kinds of matters. But we all have our responsibilities. As I said, the chairman has been right in allowing these investigations and allowing this matter to move forward in an open and transparent matter. Again, for that I am very deeply grateful.

I thank my friend from Delaware for his diligence in looking into this and again, for, as we say, trying to move the ball down the field, as you might say. I want to make it clear for the record that all we are talking about here is vitiating the cloture vote. I also want to make it clear this letter is a letter in which finally Mr. Dorr says:

Regarding farm program payment issues, what I did was wrong. I regret that I did it. If I had it to do over, I would not have filed my farming operations as I did with the Farm Service Agency. I hope that other farmers learn from what I did.

That is the first time Mr. Dorr has ever said what he did was wrong and I am glad he finally owned up to it. But, again, let's not get carried away. This letter doesn't make Mr. Dorr pure as the driven snow. Frankly, I still have concerns that we have never gotten the records from the Department of Agriculture on the previous years. But with a sense of accommodation and comity here in the Senate, I have agreed, working with Senator CHAMBLISS and others, to move this ahead. I will not object. I did not object to the unanimous consent on vitiating the cloture vote.

I want to be very clear, however, that I still cannot in good conscience vote for the nominee. I will not support the nominee for this position. But I will not pursue any further extended debate on the nominee.

Sometimes people have deathbed conversions. The problem is sometimes the patient recovers. I hope this is not just one of those deathbed conversions on the part of Mr. Dorr. As the ranking member of the Agriculture Committee,

I will be checking very carefully on how he carries out his responsibilities if in fact he wins the vote. I don't even know if that is a foregone conclusion. I assume it is, if all of the other party vote to confirm. I don't know. But if he does take this position, I can assure you we will be carefully looking at how he carries out his responsibilities at the Department of Agriculture. We may still want to take a look at those earlier records.

I want to make it clear, I still do not think Mr. Dorr meets the standards, the highest standards, as Secretary Veneman said, for this position, but at least with this admission that what he did was wrong, that he has apologized for the statements he made on diversity, I believe that is at least enough for us to get past the cloture vote and to move to an up-or-down vote on this nominee.

With that, again, in the spirit of comity and trying to move this ball ahead, we will do that. I thank Chairman CHAMBLISS for all of his work and his efforts in this regard.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I express my admiration to the Senator from Iowa for his willingness to make this accommodation. Those watching, who wonder whether we do act in the spirit of bipartisan cooperation, can note this as one of those instances. I share, however, the concern of the Senator about the timing of this admission by Mr. Dorr.

The first hearing of the Senate Agriculture Committee on the original nomination was, I believe, in March of 2002. That is over 3 years ago. If Mr. Dorr had made this kind of acknowledgment in this letter back then, this matter would have been resolved some time ago. Instead, the committee records will show during that time, and I believe at the subsequent hearing—which I did not attend but I believe the record shows happened earlier this year—he said exactly the opposite. He denied any culpability, he denied doing anything wrong, he denied any responsibility for anything that might have occurred inadvertently. This is a direct contradiction of that and it does occur, as the Senator noted, at the very last instant before this matter was going to be voted for cloture—and I think it is seriously in doubt whether cloture would have been invoked, in which case that nomination would have been in limbo as it was previously, which led to a recess appointment.

I also, with reluctance but out of necessity, will vote against this nominee. Again, I commend the Senator from Iowa, but I think in this matter this is a highly suspect maneuver at the very last instant.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 198 Ex.]

YEAS—62

Akaka	Dole	McConnell
Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (NE)
Allen	Enzi	Pryor
Bennett	Frist	Roberts
Bond	Graham	Salazar
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Burr	Hatch	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Inouye	Stevens
Cochran	Isakson	Sununu
Coleman	Kyl	Talent
Collins	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

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

The nomination was confirmed.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF THOMAS C. DORR TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation?

The nomination was confirmed.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Warner Amendment No. 1314, to increase amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles.

The PRESIDING OFFICER. The pending question is the Warner amendment.

Mr. WARNER. Mr. President, I see the distinguished majority leader. My understanding is he wishes to lay down an amendment, for which I am grateful. We would be happy to lay aside the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 1342

Mr. FRIST. Mr. President, I send an amendment to the desk. Also, I send to the desk a list of cosponsors of the amendment, and I ask unanimous consent they be added as such.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself, and others, proposes an amendment numbered 1342.

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

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

The amendment is as follows:

(Purpose: To support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America, and for other purposes)

At the end of subtitle G of title X, insert the following:

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the "Support Our Scouts Act of 2005".

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Federal agency" means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term "youth organization"—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and