

women owned businesses. Discrimination impacts every aspect of the contracting process, every major industry category and hurts all types of disadvantaged business owners including African Americans, Hispanic Americans, Asian Americans, Native Americans, and women. Here in the Congress, we have received a great deal of evidence about the discrimination that specifically impacts minority and women owned businesses in the airport business context. In September of 2008 the Committee on Small Business heard testimony from diverse perspectives about the ongoing problem of discrimination in lending and access to capital across the disadvantaged business perspective, including discrimination against minority and women businesses in airport related business issues. In March of 2009, the House Committee on Transportation and Infrastructure conducted an extensive hearing focused on the DBE and ACDBE programs. They heard testimony about discrimination and needed program improvements from the administration, researchers, advocates and minority and women businesses themselves. And the Senate Aviation subcommittee itself received similar testimony and evidence in our May 2009 hearing—including a large number of disparity studies outlining extremely compelling statistical testimony of discrimination in airport related contracting.

The present day effects of past discrimination, and ongoing current discrimination, continue to be barriers to minority and women owned businesses. Even in the context of the highest constitutional scrutiny required by the Supreme Court, this powerful evidence of discrimination makes the maintenance of these programs imperative and constitutional. It also makes all the more important the changes we have proposed to improve the programs—adjusting the personal net worth cap for inflation, prohibiting excessive and discriminatory bonding, and improving certification training. The disturbing fact is, discrimination is still a major impediment to the formation, growth and success of minority and women business owners. That is unacceptable. Race and gender discrimination are bad for minority and women business owners, bad for our economy and morally wrong. With this bill, we are seeking to remedy that wrong in the FAA context.

VOTE EXPLANATION

Mr. TESTER. Mr. President, due to a meeting at the White House today, I regret I was unable to make the vote on the motion to table the DeMint amendment No. 3454 to H.R. 1586, the legislative vehicle for FAA reauthorization. If present, I would have voted aye, to table the amendment.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I now ask unanimous consent that the

Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the following Senators recognized to speak as follows: Senator MERKLEY for up to 5 minutes, Senator SANDERS for up to 15 minutes, and Senator KAUFMAN for up to 20 minutes; and that if there are any Republican speakers, they would be included in an alternating fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

KLAMATH BASIN DROUGHT ASSISTANCE

Mr. MERKLEY. Mr. President, I rise tonight to tell you a tale about the Klamath Basin. It is really two stories about the Klamath Basin. One is of a terrific vision that has come together between fishermen and ranchers and tribes, and the second is a story about a terrible drought. So I want to start with the good news and share a little bit of the vision.

First, let me tell you about the magical place that is the Klamath Basin. It is in southern Oregon and northern California. It is an area of the country that is rich with agricultural resources and exceptional wildlife populations. The basin contains approximately 1,400 family farms and ranches and encompasses over 200,000 acres of farmland irrigated with water from the Klamath River and Klamath Lake.

In 2009, the basin's agricultural industry produced over \$440 million in revenue. The Klamath is sometimes referred to as the "Western Everglades." The basin attracts 80 percent of the Pacific Flyway's waterfowl and supports the largest over-wintering population of bald eagles anywhere in the Lower 48 States. It is also home to one of the most productive salmon river systems in the country.

Let me tell you that the allocation of water in this basin has always been a source of enormous tension between the farmers and ranchers, the fishermen—both the instream fishermen and the offshore fishermen—and the tribes. These groups that have traditionally been in contest with each other have come together over the last few years to say that this situation—the uncertainty about water and the poor health of the river—is not sustainable into the future; that all of us could benefit, all of the parties could benefit, if we worked together for a different vision, for a vision that shared a little more regularity with water, that took out some dams that increased the water flow, that had colder water for the salmon, that avoided some of the terrible calamities that occurred, including the worst die-off of fish we have had in the United States of America that happened about a decade ago.

So these stakeholders have developed a collaborative agreement and signed

it, called the Klamath Basin Restoration Agreement or KBRA. That agreement is designed to benefit farmers and ranchers as well as the Klamath tribe and fishermen up and down the west coast by offering more certainty about access to water. At the same time, it restores the river and improves habitat and riverflows for native fish species and wildlife refuges.

The development of the Klamath Basin Restoration Agreement is a historic step forward for the region. If it were already in place, it would provide a powerful set of collaborative tools for dealing with drought, for dealing with years when there is a shortage of water. But Congress has not yet acted and those tools are not in place.

That brings us to this current year and the second half of the story. To help me address that, I am going to put up a chart in the Chamber.

This black line on the chart shows what had been the lowest level of Klamath Lake since it has been recorded in Oregon history—the lowest level, which is shown by the black line. This red line represents the level of the lake this year. As you can readily see, the level of the lake is far below the worst ever year that had been recorded—the calamity of 1992. These red dots on the chart represent the level the lake needs to be to provide irrigation water to farmers. There is no conceivable way we are going to get from this red line, as shown on the chart, to these red dots in order to provide water in the normal fashion. That is why we are facing such a calamity this year.

With spring planting season already upon us, it is critical that we take immediate action to respond to this crisis. We have the advantage of tracking this and knowing the crisis is coming. So together we can work to mitigate the worst effects of the drought rather than waiting for the drought to simply play itself out.

A drought of this magnitude requires an unprecedented, integrated, expansive set of responses from the Federal agencies and a dedicated effort to coordinate response efforts along with local and State governments. Along with Senator WYDEN, I have requested the Departments of Agriculture, Interior, and Commerce to dedicate all required resources to address this crisis swiftly. My team has been working with the teams at those Departments, and they are making a lot of progress. But we have to continue pushing forward as fast and as quickly as possible.

There are several key strategies that could help address this: first, acquiring upstream water rights from willing sellers to increase the amount of water that is available in the Klamath Basin; second, to pursue extensive flexibility within the boundaries of law and science to utilize surface water in the most effective possible manner; third, help farmers activate emergency drought wells and otherwise access ground water; and fourth, set up crop idling programs to conserve water.