

RECORD OF SERVICE



**SENATOR
HERB KOHL**

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Introduction

by Kate Sparks

In 2010, I began the process of reading through and organizing the memos, bills, statements, and press files that chronicled Senator Kohl's four terms in the U.S. Senate. I was well placed to assemble a summary of his record having served as a legislative assistant for the Senator from 1990 to 1993 and as his legislative director from 1993 to 2007, keeping in close contact with the office in the years after that.

The project started as an attempt to index the masses of papers detailing the Senator's legislative accomplishments, as a precursor to archiving the collection. But it soon became evident, at least to me, that the record of service emerging from the office files was a story that needed to be told more fully. Senator Kohl entered the Senate in 1989, a private man with a solid background in business and a firm grounding in centrist principles - a man who pledged to work across the aisle and for all Wisconsinites, regardless of political party.

He leaves at the end of 2012 having done exactly what he set out to do 24 years ago: He opened his office to any Wisconsin family, business, elected official, or individual who had an idea, concern, problem, or opportunity. He made sure each got a hearing and whatever help he could offer. And he served as Wisconsin's voice in the Senate, tirelessly promoting the interests and the values of the state.

The result is a significant record of achievement that has shaped the state and bettered the nation -- whether it be a dairy farmer finally receiving a fair price for her milk; or hungry child getting a free lunch during the summer school break; or a laid-off auto worker who is retraining for a better-paying green job; or daughter who is able to find a safe, quality nursing home for her mother; or a tech company who finds an opportunity to compete and create jobs; or a family farmer who is finding new markets with organic produce, specialty meats, or artesian cheese; or a welder who has a new job building the littoral combat ship; or the child of immigrant parents who will become the first in her family to attend college; or a hiker who is enjoying the Ice Age Trail; or a

small businessman opening shop in an industrial park that was once a toxic waste dump – the list goes on and on.

The following set of papers is my attempt to lay out the legislative history behind the all the myriad of ways the Senator's work has measurably and positively impacted the lives of so many people. I need to emphasize that this story is from my point of view, and that I am the one who has insisted it be told. Much to the dismay of his staff and political consultants, Senator Kohl actively avoids taking credit for work he has done, preferring to let others have the limelight.

That said, Senator Kohl has reluctantly agreed to let us chronicle his record of service, convinced, I believe, by two arguments. First, a four-term Senator, especially one as effective as Senator Kohl, is an integral part of his state's history. In recognition of that, Senator Kohl is donating his Senate office papers to the Wisconsin State Historical Society. But as we collected the boxes and megabytes of material this donation involves, it quickly became apparent that we needed to impose some structure for this material to provide any sort of historical record. These papers try to do that.

The second reason we have written them is, in my opinion, even more important. At a time when public faith in government, and Congress in particular, is at a low – at a time when too many public-minded private citizens are turning away from federal service – the story of the how -- working quietly, diligently, and with focus -- Senator Kohl was able to do so much public good is one that might, if not inspire future leaders, at least offer hope to those disillusioned with politics today.

Of course, as Senator Kohl would be first to acknowledge, he could not have achieved all he did for Wisconsin and the nation without his incredible and loyal staff – far too many to mention here. That is also true of this collection of papers. Everyone in (and some from outside) the Kohl enterprise has pitched in on this project, but a few deserve special mention:

In 2010, as a private consultant, my firm built the database that provided the background to these papers, with the bulk of the cataloguing done by Debbie Cohen Lehigh and Ann Sparks with editing help from Fredda Sparks. Vivian Sparks Telgarsky provided the initial design ideas in early 2012, and then returned in the last few days of production along with William Root to clean up the mess we had made of her original concept.

Members of Senator Kohl's personal staff in DC authored many of the final chapters: Harry Stein wrote the first draft of "Defending our Nation;" Sarah Levin, of "A Commitment to Affordable and Accessible Health Care;" Mike Lavender, of "Wisconsin's Farm Lands;" Aliza Fishbein, of "Healthy and Safe Food;" Jessah Foulk, of "Educating our Future Leaders;" and Nick Barbash, of "Conserving and Protecting our Natural Resources."

Senator Kohl's Aging and Judiciary Committee staff members were the primary authors of several more chapters. Given their high level of expertise in their fields, I did not change their contributions. These include: "Protecting Consumers by Championing Antitrust Laws" by Seth Bloom; "Supreme Court Nominations," by Caroline Holland; and "Protecting Senior's Savings" by Cara Goldstein and Joel Eskovitz.

Thanks are also due to Sonia Acosta for amazing technical support; to Phil Karsting for agreeing to start on this project two years ago; and to Lynn Becker for, as always, everything - from proofreading to advocating for the project every step of the way.

A final and most heartfelt thanks goes to Senator Kohl for doing so much worth of writing about. It has been an incredible privilege and honor to work with him these twenty-four years. Through him, I have had everything anyone could ask for in a career: fulfilling and interesting work; the chance to help thousands of people; the company of brilliant and hardworking colleagues; and a boss who was always demanding yet fair - caring and kind - wise and wickedly funny - and a true and lifelong friend.

When someone comes to our office with a proposal for bringing high quality jobs to Wisconsin, we don't ask if those jobs will go to Democrats or Republicans. We don't ask whether the people creating the jobs are Democrats or Republicans. All we ask is whether we have an opportunity to help Wisconsinites support their families and communities through honest, hard work for fair pay. If the answer is yes, then we go for it with all we've got."

Herb Kohl

Building a Strong Economy on a Base of Solid Jobs

As a young man growing up in a family that turned a small neighborhood grocery into a successful national retail chain – as the president of Kohl's running a business that gave steady employment to thousands of Wisconsinites– Senator Kohl learned the values of hard work and American opportunity that drove his economic agenda in the Senate. Starting from the premise that jobs are not a partisan issue, he worked across the aisle and across Wisconsin to attract and sustain vital businesses, big and small. He sponsored federal initiatives that build on Wisconsin's traditional strength in manufacturing, agriculture, and high tech innovation; put in place training programs that prepare Wisconsinites for the jobs of the future; and pursued national policies to create an environment in which business thrives and families prosper.

Said President Barack Obama: "During his 23 years in the United States Senate, Herb's invaluable perspective as the long-time head of a family-owned business made him an unwavering voice for working families, small business owners, and seniors...Herb's dedication to American families and businesses remains evident today in the robust farming and manufacturing sector he helped foster in his home state of Wisconsin."

Manufacturing Extension Partnership

Throughout his tenure, Kohl championed the National Institute of Standards and Technology's Manufacturing Extension Partnership Program, a public-private partnership that provides technical support to small and medium manufacturers through 1400 technical experts located in 59 centers across the United States and in Puerto Rico. Since MEP arrived in Wisconsin in 1998, its two centers have created or retained over 13,000 high quality manufacturing jobs with almost \$2 billion in economic impact throughout the state.

William Henry, president of American Laser Products, Inc., a manufacturer

employing 37 people in Middleton, Wisconsin, said of the Wisconsin MEP program: "I am convinced that without (it), American Laser Products would not have achieved the growth that we have." Added Charlie Leiby, who, with the help of WMEP turned a one-man business located in his garage into a custom machining and fabrication firm, in the process creating 44 high quality jobs in Waupaca, "WMEP has played a key role in helping us improve performance (and) quality."

Since 1996, when he advocated for the MEP funding that allowed Wisconsin to join the program, Kohl has crafted, refined, and pushed bills to improve MEP and provide it with adequate resources. In 2007 and 2010, Kohl introduced bipartisan legislation to set up MEP, and in both instances, those bills became public law: the former as part of the America Competes Act of 2007; the latter as part of the American Competes Reauthorization of 2010.

But establishing the program was only half the battle. During few years of this century, when the Administration undertook what Kohl called an "inexcusable" effort to eliminate MEP, Kohl gathered senators from both sides of the aisle to apply constant pressure to Congress and the White House to keep MEP adequately funded. Kohl confronted two Commerce secretaries over their lack of support for MEP, at one point asking Secretary Carlos Gutierrez in frustration: "I know budgets are tight, [but are] you saying we cannot afford to invest...in a program that is helping manufacturers keep jobs in the United States?"

"Luckily, Senator Kohl is on the job...his efforts to maintain the MEP program means a lot more than all the talk from other politicians."

**"Kohl's Fight for State Jobs,"
Capitol Times, March 7, 2008**

Kohl's persistence paid off. For over a decade, and despite budgetary pressures, MEP has received the resources it needs to continue to help small manufacturers in Wisconsin and across the nation. For his efforts, the American Small Manufacturers Coalition has named Kohl a "champion for small manufacturers."

"Sen. Kohl has been a tireless booster of small and medium manufacturers. He understands the value of the MEP network and how we make a difference for American manufacturing," said Buckley Brinkman, executive director of WMEP. "Sen. Kohl has

fought for the MEP and marshaled support in Congress for our mission. His efforts led to increased funding and a higher profile for our system. Because of his tenacity and dedication, WMEP has been able to help manufacturers generate tens of thousands of jobs in Wisconsin."

Wisconsin Manufacturing and National Security

When Senator Herb Kohl came to Washington in 1989, Wisconsin ranked dead last in the percentage of defense dollars that flowed to the state. With politically risky stands against bloated weapons programs such as "Star Wars" missile defense and the D-5 Trident missile, Kohl staked out a position in his first term as an ardent deficit hawk dedicated to reducing wasteful defense spending. However, he understood from the beginning that bringing the Pentagon budget under control was not just a matter of slashing systems.

"Here was a state with a long history of skilled manufacturing, a high tech corridor emerging in the Chippewa Valley, and top ranked national universities doing leading edge research and development," remembers Kohl. "If decisions in Washington were being made with consideration for getting the best value for the taxpayer dollar and the best equipment for our troops – and not just on the basis of partisan, backroom deals -- there is no way Wisconsin should have been at the bottom of the list for DOD contracts."

Today, I was honored to participate in laying the keel for the USS Milwaukee in Marinette, Wisconsin. Littoral Combat Ships like the Milwaukee are a triumph for both the United States Navy and for the State of Wisconsin. For the Navy, they are the ship of the future – light, fast, and flexible. For Wisconsin, they mean thousands of jobs and a rebirth of shipbuilding on the Great Lakes...

Budget cuts are putting pressure on every government program, which makes the LCS more important than ever. To remain a global force, our Navy needs a more flexible, cost effective fleet. The LCS is a vital part of that plan.

But we celebrated more than a new ship today. Every time I visit the shipyard I see the high expectations Marinette Marine sets for themselves. The workforce is second to none, and will remain so for years to come. New workers get more than paychecks: they acquire skills and experience learned from almost sixty years of shipbuilding at Marinette Marine. And there are going to be a lot of new employees.

By 2013 Marinette expects to have about 2,000 workers at the shipyard and suppliers across Wisconsin are hiring so they can handle the increased demand from Marinette. All told, the LCS will mean thousands of Wisconsin jobs for years to come.

I worked with the Secretary of the Navy and other officials to bring the contract to Wisconsin and finalize the deal in the Senate. It was truly an honor to be present today for the keel laying and to see firsthand that the USS Milwaukee represents the best of American shipbuilding. It has the finest craftsmanship from an outstanding workforce. It's affordable for the Navy in a time of tight budgets, and it gives our sailors the tools they need to keep America safe and protect our interests around the world.

Senator Herb Kohl, on attending the keel-laying ceremony for the USS Milwaukee in Marinette, WI, October 27, 2011

So Kohl set out to convince Washington that Wisconsin has something unique to contribute to the nation’s defense. He worked with prominent Wisconsin employers such as Rayovac, Oshkosh Corp., and GE Healthcare to create thousands of jobs supporting the military through the production of products from advanced batteries to innovative materials to heavy trucks to computerized weapons and flight systems to groundbreaking medical technology.

Most recently, Kohl helped Marinette Marine secure a contract to build ten littoral combat ships, bringing 2100 new jobs to the

“Herb Kohl... has worked effectively both for his state and for our nation during his fruitful tenure in this great institution.”

Senator Joseph Lieberman, chairman, Senate Homeland Security and Government Affairs Committee, May 13, 2011

shipyard, as many as 5000 jobs for subcontractors and suppliers throughout Wisconsin, and \$2.6 billion in new economic activity to the state (see sidebar).

Kohl won a place on the Senate

Appropriations Committee’s Defense Subcommittee in July of 2001, in part because of his knack for matching military buyers with innovative, efficient Wisconsin companies. And his almost a quarter century of work making sure Washington understands the value and opportunity to be found in the Wisconsin manufacturing sector has paid off: In 2011, the Milwaukee Journal Sentinel reported that

Five thousand jobs get your attention. When Senator Kohl heard about the Littoral Combat Ship and the potential it had to revive the Wisconsin economy he focused like a laser on making it happen. He met with company officials on a regular basis to get updates on the contract proposal. As the award date got closer he was constantly urging Lockheed and Marinette to lower their price and be as aggressive as possible. He told Bob Stevens, the CEO of Lockheed, “This is going to be decided on price alone. The Navy supports both designs, so price is key.”

The decision to split the buy and award ten ships to each company came as a surprise and a mixed blessing. The good news was we were assured of getting at least ten ships and an opportunity to prove to the Navy that Marinette could build high quality ships at a low price. The bad news was that the split buy would need Congressional approval – and there wasn’t much time.

The Navy’s decision to split the buy was made in early November, but the price in the company’s bids would only be fixed for a few more weeks. If we didn’t get Congressional approval by the time the bids expired the whole deal would fall apart. The only bill that this provision could be attached to was the Continuing Resolution which avoids a government shutdown. This was a high stakes situation.

Concerned that Congress wouldn’t act in time, Senator Kohl encouraged Lockheed to work with their suppliers to extend their bids for a few more weeks until the end of December. He then started working the phones and the Senate floor to make sure that the approval of the split buy made it through Congress. He spoke several times with the CEO’s of Lockheed and Marinette, the Secretary of the Navy, and the White House. On the Senate floor he worked closely with Senators Levin, Sessions, and Inouye to get the language in the bill. He faced the objections of some senior Senators who disliked the entire program and wanted to kill it and start over. Without Senator Kohl’s dogged efforts from day one, it is possible the entire LCS program would have been scuttled.

Chad Metzler, Legislative Director for Senator Kohl

Wisconsin had gone from the bottom of the list to “16th per capita in bringing home Pentagon dollars.

Senator Kohl has always uniquely understood the value of federal research dollars to Wisconsin. He saw that research advances understanding, understanding brings innovation and innovation leads to new products and increased manufacturing in Wisconsin. A real world example is Rayovac, who with Senator Kohl’s assistance over the years brought the majority of its manufacturing back to the state from China, as well as its world headquarters.

“Thanks to [Kohl], our nation’s leading laboratories will continue to have prompt access to the world’s most advanced computing tools.”

**Lester T. Davis, Cray Research executive vice president, Chippewa Falls operations chief technical officer
June 25, 1992**

Gearing Up for the Jobs of the Future

Senator Herb Kohl brought the lessons he learned building a thriving business to his efforts to advance Wisconsin’s manufacturing industry. “At Kohl’s we were always learning, constantly looking for the cutting edge technologies and efficient methods that would bring our customers better and better value,” said Kohl. “I knew Wisconsin industries would have to do the same if we were going to remain a manufacturing powerhouse.”

In his first few months in office, Kohl teamed up with Rep. Dave Obey to put supercomputers from Cray Industries –founded by Seymour Cray, the “father of supercomputing ” and Chippewa Falls native -- in two federal agencies. Kohl later used his position on the Governmental Affairs Committee to streamline the process by which the national labs procure supercomputers so the labs could buy the American-made, superior Cray machines they needed, a bipartisan initiative seen as a win-win for the federal agencies and the nascent Chippewa Falls high-tech corridor. In 1996, Kohl helped Cray win a trade dispute with Japan, who had allowed their national supercomputer manufacturer to bid on a contract with the National Science Foundation with an unfairly dumped product.

Of course, Kohl realized that Wisconsin had the skilled workers and the business friendly environment to support more high-tech enterprises than just Cray Industries. So in 2002, Kohl won federal backing for a sophisticated communications network to attract more businesses to the Chippewa Valley. Today Cray, though a global business keeps all of its high-skilled manufacturing jobs in Chippewa Falls and has been joined there by other successful computer and software companies, many started by former Cray employees.

Kohl also pushed for the establishment of a program to help small manufacturers across the state and nation take advantage of the type of supercomputing technology developed in the Chippewa Valley, supported research on the next generation of breakthrough technologies through the national Advanced Technology Program, and sponsored training for older workers facing new technologies at their jobs.

And long before “green jobs” were part of the political conversation, Kohl was encouraging Wisconsin industries and the federal government to invest there. Starting in the early 1990s, Kohl championed USDA’s Forest Products Laboratory in Madison. This unique partnership between government, industry, and academia hosts research on how to use forest resources in ways that are both commercial and sustainable – an imperative in a state like Wisconsin with both abundant forests and a large paper industry.

Said Kohl at the 2007 groundbreaking of the Forest Products Laboratory’s state-of-the-art facility, businesses and consumers alike would benefit from research on “safer homes, safer water quality, sustainable development, and new fuel resources. Those are really important things.”

Recently, President Obama visited our great state and saw firsthand how Wisconsin is leading the way for a new energy economy. In Manitowoc, he saw companies making strides in energy efficiency, lighting technology and wind turbines.

Had he continued travelling through the state, the president would have seen Wisconsin companies making advanced batteries, businesses breaking new ground in building retrofits, and farmers turning methane gas into electricity.

Also, he would have seen our world-class colleges and universities undertaking research that has the potential to make America truly energy independent. I’m proud that the University of Wisconsin at Madison is host to the Great Lakes Bioenergy Research Center, one of three centers established by the US Department of Energy, and the only one based at an academic institution.

In Washington, our job is to help businesses and students alike in this effort that will make us competitive on a global scale and create good paying jobs for generations.

**Senator Herb Kohl, welcoming participants at the eighth annual Green Energy Summit in Milwaukee
March 15, 2011**

Kohl sought similar opportunities to team Wisconsin businesses with the federal government to create jobs in businesses with sustainable practices and products. He worked on legislation standardizing the energy efficiency scale for water heaters, so innovative companies like A.O. Smith of Milwaukee would get credit for their green products; authored a bill to encourage groundbreaking solar light pipe technology pioneered by Orion Energy Systems in Manitowoc; and pushed a bipartisan initiative extending the tax credit for the purchase of medium and heavy duty hybrid trucks.

Kohl secured support for Wisconsin institutions – such as the Wisconsin Energy Conservation Corporation, Johnson Controls, Inc., Eaton Corporation, the University of Wisconsin, and the Milwaukee Area Technical College – both to develop and install technologies for energy efficient buildings and to train workers in green construction. He also helped put in place the Milwaukee Green Jobs Initiative creating internships and adult training for green jobs.

"These areas are going to play a major role in the future economic

Wisconsin's diverse workforce has made our state great...We have a longstanding tradition of hard work and dedication to family and community.

**Kohl Labor Day Column,
"Honoring the American Dream,"
August 26, 2008**

development of this state," said George Stone of Milwaukee Area Technical College preceding the 2011 Green Energy Summit in Milwaukee. "The sooner we get into this game, the sooner we start investing, the better for everybody."

Training the Workforce of Tomorrow

When Herb Kohl was president of Kohl's, he was known for interviewing every single employee the company hired – right down to the part-time baggers. "You can have a great product, fancy stores, the latest technology," explains Kohl, "but in the end, it is the people who work in a business who determine whether it will succeed or fail."

Kohl's early 2008 experience convinced him that a well trained workforce is the key to economic growth – both in Wisconsin and across the nation. In the mid-1990s, he helped establish the Manufacturing Skills Standards Council to standardize training in the manufacturing sector. Into the 21st century, he championed other national

programs for technical training, such as the Perkins Act, Youthbuild, the Department of Labor's On-the-Job Training grants, and Job Corps. And he introduced legislation making older workers eligible for federally funded training programs.

In 2008, as the recession began to take its toll, Kohl learned that a little known provision in the budget was going to force states to give up \$250 million in federal funds put by for workforce programs. "I remember thinking, I can't believe how short-sighted this is. Remember, in the first three months of 2008, the economy shed 240,000 jobs and 7 million Americans were unemployed," remarked Kohl.

So, Kohl gathered a bipartisan group of senators to fight the drain on states' worker training resources. Led by Kohl, they convinced Congress and the White House both to restore the money and to add more as part of the economic stimulus bill- a total of \$1 billion targeted to help at least 260,000 workers. Of course, Kohl's particular interest was the workers of Wisconsin, and he fought to make sure that proven job training programs in the state received the support they needed to bolster working families and invigorate the flagging state economy. "With the right program model, we can effectively bridge job seekers with meaningful employment," said Paula H. Pennebaker, president and CEO of YWCA Greater Milwaukee, where Kohl helped direct a Department of Labor grant for the Supporting Families Through Work program. "This grant is a tremendous opportunity to empower others to provide for their families and move beyond poverty and would not have been possible without

Danielle Pakes: Forging Her Future

For most young women, graduating from high school is a significant milestone. Danielle Pakes achieved that milestone while earning her welding diploma and becoming a new mother – all in the same year.

Danielle was first introduced to welding by accident. However, she quickly discovered she...had a knack for it...That's when she turned to Blackhawk Technical College.

"At that time, I was still living on the family farm – milking cows, feeding calves, helping them whenever they needed help. And I had just become a mom."

...As a graduate of the BTC welding program, Danielle had experience in welding structural steel, aluminum, stainless steel, and other metals as well as the ability to read blueprints and create welding sketches and layouts. Just two days after receiving her high school diploma, she landed her first job with J.P. Cullen & Son, a Janesville construction firm.

Now she's building a strong future for her and her son. "It's an amazing feeling...to be providing for him just doing something I like is really great."

Blackhawk Technical College, "Success Stories,"

2012 website

the leadership of Senator Kohl...”

Kohl maintained a career-long relationship with the Blackhawk Technical College serving the Janesville area long dominated by the auto industry. When GM’s Janesville facility was operating, Kohl convinced the federal government to invest funds in the college to teach workers the state-of-the-art skills that would enable that plant to turn out GM’s new products lines. Unfortunately, GM’s Janesville operations did not survive the bankruptcy of GM, so Kohl stepped in again, making sure the college had the resources to help the 1200 workers and families directly affected, as well as those from related fields, such as auto suppliers, who lost their jobs.

Today, Blackhawk Technical College has over 12,000 enrollees training and retraining in more than 100 technical fields. The college commissioned a rigorous economic analysis of the impact it has on the Wisconsin economy: it found that their training accounted for \$58.8 million in annual earnings in the region.

Blackhawk President Thomas Eckert recalled how Kohl’s efforts allowed the college to respond to the record demand after the GM plant closing by “providing aid directly to students, opening additional sections and cohorts, and hiring the staff needed to train and support students.” He concluded that Kohl’s intervention “literally transformed lives and saved families.”

Kohl has advocated for training in fields as diverse as the state economy: conservation, nursing, meat inspection, green energy, dentistry, construction, pediatrics, trucking, gerontology, urban agriculture, and, of course, manufacturing. “Wisconsin is a state full of industrious, talented people,” said Kohl. “Getting them the training they need to achieve their full potential is the key to maximizing the quality of life of our working families and the quantity of successful business in Wisconsin.”

“My parents came to this country looking for a place where an honest day’s work earns a fair wage, where their children could be safe and educated. That was their American dream -- not measured in dollars, but measured by the opportunity to build a better life for their family. I came to Washington to do everything I could to put that dream within reach of every American family.”

Herb Kohl

Working Hard for Working Families

Max and Mary Kohl came to the United States in the 1920s with nothing but hope. “They built more than a business,” remembers Senator Kohl of his parents. “They built a strong family. No matter how tough times got, they never let us forget the values of compassion, education, and hard work. And they succeeded – we all did – because of those values.”

From his first days in office, Kohl carried with him, not only his parents’ values, but also their hope – their hope that America could be a place where any family who worked hard and gave back could make it. Kohl’s belief in Max and Mary Kohl’s

America lies behind his 24 years working to reform the welfare system so it rewards work; build a national system of quality child care so parents don’t have to choose between a job and the wellbeing of their children; and promote a tax code that lets low and middle income families keep more of what they earn.

Welfare Reform

On February 4, 1994, Senator Kohl took to the Senate floor to denounce the federal welfare system. Though not an expert in social policy – as were many involved in the welfare reform debates of the 1990s – Kohl’s experience in the private sector convinced him that what families needed to thrive were not handouts, but jobs. “Our welfare system is in crisis,” he warned, “[it] discourages work, discourages marriage, and discourages responsible choices about parenthood...Under the current welfare system, the federal government pays people to reject the values of work and family that have made this nation strong.”

In May of that same year, Kohl returned to the floor, this time accompanied by Republican Senator Chuck Grassley, to propose a radical solution: abolish the current welfare system and send the money to the states in the form of block grants.

“Economic circumstances and people in Kenosha, WI are different from those in Ottumwa, IA. Portland, ME, is not San Diego, CA,” said Kohl, introducing S.2057, the Welfare to Work Act of 1994.

“A one-size-fits-all welfare plan designed in Washington cannot work for all these communities....it is time to face the fact that the answer to something as hard as helping people get work is not going to be developed in Washington--the many answers we need are going to come from communities throughout this country. State and local governments have been pleading for flexibility to design programs that work--it is time to get out of their way.”

Many considered Kohl’s proposal to take the federal government out of the business of welfare heresy – especially fellow Democrats serving on Majority Leader George Mitchell’s Welfare Reform Task Force with Kohl. But he based his legislation on the innovative state, local, and private programs he had seen already making real differences in families lives in Wisconsin.

Project New Hope

One such program was Project New Hope, which operated in Milwaukee between 1994 and 1998, and

After studying our current Federal welfare program and looking at several proposals to reform it, I have come to several conclusions that I would like to share.

First, Washington's welfare system doesn't work... We have set up a cash grant program that tells young women--don't work, don't marry, have children, and you will get support. Work, marry, plan your family for when you can afford to support them, and we will leave you out in the cold--in fact, we will take your tax money to support those who have decided not to work.

Second, work is what works, handouts don't...What we should be doing is making it easier to prepare for and enter the workplace. Welfare should be used to bring low-income mothers into the work force--it should not pay them to stay out.

Third, the real answer to welfare reform will not be found inside the Beltway, it is in our own backyards... We are a diverse country with diverse economic conditions and opportunities. Therefore, we cannot design a system that suits Madison as well as Miami.

These conclusions have led me to begin a welfare reform proposal that rejects the Washington-based current system; one that encourages work over welfare; and one that takes a lead from the innovative programs being developed in States and cities across our country.

I will propose that we eliminate the current welfare system ... In its place, I will be encouraging the creation of a Workfare Block Grant ... States would use block grant money to create and implement their own work programs [and create] State systems that encourage people to work and give them the skills and experience to do so.

Senator Herb Kohl, “Our Current Welfare System,” Congressional Record (February 4, 1994)

"My job is to drive a van for senior citizens who can't drive themselves. I got the job through Project New Hope...Herb Kohl is fighting to reform the welfare system, and I believe it is the right thing. The most important thing to me is that my children and grandchildren deserve a fair opportunity for a better life."

**Dallas O'Bryant
Project New Hope
participant 1994**

Senator Kohl supported it from his first days in office. New Hope offered low-income families a wage supplement and subsidies for child care and healthcare in exchange for working a minimum of 30 hours a week.

Speaking at the National Press Club in 2008, noted economist Greg J. Duncan, co-author of the report evaluating New Hope (Higher Ground: New Hope for the Working Poor and Their Children), reported that New Hope had lowered poverty rates for participating families by 16 percent, improvements that persisted after the program and earning supplemental ended. In addition, teachers noted that children from New Hope achieved more and behaved better in the classroom.

"This is a program that we know works," stated Duncan, "It really makes good on America's promise that 'if you work, you shouldn't be poor.'"

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Declaring "the best antipoverty program is still a job," President Bill Clinton fulfilled his campaign promise to "end welfare as we know it," when he signed the Personal Responsibility and Work Opportunity Reconciliation Act on August 22, 1996. The legislation replaced the existing Aid to Families with Dependent Children with the Temporary Aid to Needy Families – a program that emphasized work, reduced the federal government's role, and gave states more autonomy in how they delivered welfare.

The final measure mirrored all of the main components of Senator Kohl's Welfare to Work Act first introduced in 1994 and reintroduced for the 104th Congress in 1995. Kohl praised the president's decision to sign the bill: "We owe it to low-income families of this country to end a welfare system that keeps them down rather than helps them up. We owe it to the taxpayers to spend their money in a way that strengthens their communities. We owe it to ourselves to be honest when we have failed – as we have with our current welfare system. And we owe it to this country to develop a welfare system that respects and encourages this nation's long-standing values of work and family."

Kohl stayed involved with welfare reform throughout the lengthy Congressional debate during the 104th Congress. He worked with Majority Leader Dole to remove from the final legislation a provision that would have ended Project New Hope two years early. He led the charge to stop the bill from dismantling the guarantee of food stamps for children, the elderly, and the severely disabled – thus signaling an interest in issues of hunger that would mark the rest of his career. And he worked on a successful amendment to increase funding for child care assistance to welfare recipients participating in state work programs.

He also vowed that the enactment of welfare reform was only the beginning of his involvement in helping low-income families move out of poverty and into jobs. In 2001, he joined with a bipartisan group of centrist Senators to introduce the Strengthening Working Families Act, a package of six bills addressing child care, child support, the Earned Income Tax Credit, the Social Services Block Grant, fatherhood initiatives, and child welfare services. Kohl authored two bills – on child care and child support -- of the six.

Child Care Funding

Even before the major welfare overhaul passed in 1996, Senator Kohl identified the availability of quality child care as a key to the health of working families. On passage of the bill in the Senate, Kohl stated: “At the very heart of the welfare debate is the government’s responsibility to the impoverished children of this country. We cannot fail those children by ignoring the real need they have for protection and education while their parents work.”

Year after year, Kohl leveraged his position on the Senate Labor, Health, and Human Services Appropriations Subcommittee to win funding for quality child care. He spearheaded the drive to keep the Child Care Development Block Grant financially sound; he pushed the subcommittee to invest in Head Start and was one of the original champions of Early Head Start, a program for disadvantaged toddlers; and he authored the amendments that provide dedicated revenue streams for child care resource and referral services and for programs serving infants and toddlers.

“You always made children a priority during your 24 years as a United States Senator.”

Ken Taylor, Executive Director, Wisconsin Council on Children and Families, in a letter announcing Senator Kohl had won WCCF’s Giraffe Award, honoring those who have “stuck their neck out for children” May 2012

In 1997, Kohl won approval of an amendment to the budget calling on Congress to direct funds toward “increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.”

Today, Kohl says of the effort: “At that point, we were just starting to understand the tremendous amount of learning and developing a child does between the ages of zero and three. I had always been an advocate for giving every child the best possible education, but I became convinced – and tried to convince my colleagues in the Senate – that that education had to start long before the first day of kindergarten.”

The next year, Kohl worked with a group of moderates who shared his passion for early childhood education to offer another amendment, this one to allow the Senate to consider a comprehensive child care plan for the entire country. When that amendment did not pass, Kohl withdrew his support for the budget.

He explained his vote: “How can we support a budget that does not at least allow Congress to consider the child care needs of our youngest children and our hardest working families? At a time when 60 percent of our preschool age children are regularly cared for by someone other

Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities...improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

**From amendment no. 352 to the FY 1998 Senate Budget Resolution offered by Herb Kohl
May 21, 1997**

than their parents, can we accept a budget that will not allow us to debate any proposals to increase the accessibility of decent child care? At a time when we are learning more each day about the importance of brain development in the earliest years of life, can we accept a budget that will not allow us to discuss creating more quality early education opportunities? At a time when the business world is waking up to the link between good child care and employee productivity, can we accept a budget that will not let Congress also explore how to help working parents work well?"

The setback was, however, only temporary. For the rest of his tenure, Kohl would continue to win funding for quality child care through the Appropriations Committee and the Senate, then Congress, was on the verge of debating and enacting, Kohl's signature legislation on child care.

The Child Care Infrastructure Act

Even before the 1996 welfare reform bill was signed, Senator Kohl was raising concerns that the nation's supply of quality child care

was not sufficient to meet the demand the new law would create. In Wisconsin in 1996, 67 percent of women with children under six years old were already in the workforce, yet there was only one accredited child care center for every 2800 of these kids.

"I could run over on a lunch hour," said Mae Knowles, media relations specialist for Meriter hospital in Madison and mother of two who used the hospital's child care center. "It provided me with a feeling of security...I think employer-sponsored child care is more constant and consistent. You are not going to wake up tomorrow and find that it is closed."

**"Kohl Pushes Employer Child Care Plan,"
Capital Times, April 6, 2001**

Johnson Wax Communications Manager Laurie Velicer said because she and her husband both work, having a trustworthy child-care center within the company...eases her concerns about her children's well-being. "I can leave them here and understand that I will be more productive at work."

**"Kohl Seeks Child Care Help,"
Racine Journal Times,
April 4, 1997**

"Of course, government programs like the CCDBG were part of filling this gap," explains Kohl. "But to build a national child care infrastructure - one that would both make sure kids are safe and nurtured while their parents are at work and that workers are at their most productive because they aren't worried about the welfare of their children - we had to get the business community involved.

"On September 18, 1996, Senator Kohl introduced S. 2088, the Child Care Infrastructure Act of 1996. He told the Senate:

"The 21st century economy will be one in which more of us are working, and more of us are trying to balance work and family. How well we adjust to that balance will determine how strong we are as an economy and as a nation of families. My legislation is an attempt to encourage businesses to play an active role in this deeply important transition."

He continued: "In the 1950's, federal, state, local governments, communities and businesses banded together to build a highway system that is the most impressive in the world. Those roads allowed our economy to flourish and our people to move safely and quickly to work. In the 1990's, we need the same sort of national, comprehensive effort to build safe and affordable child

care for our children. As more and more parents--of all income levels--move into the work force, they need access to quality child care just as much as their parents needed quality highways to drive to work. And if we are successful--and I plan to be successful--in the 21st century excellent child care...will be as common as interstate highways."

"Thursday morning, Kohl visited the Johnson Wax Child Care Center with company Chairman Sam Johnson. Johnson said he thinks the proposal is a good idea. "It's incentive based, rather than mandatory."

**"Kohl Seeks Child Care Help," Racine Journal Times
April 4, 1997**

"Dennis Mueller, chairman of MRM Technology Group Inc., said his firm pays about 85 percent of the child care cost for 16 of its employees to take their children to the center. "Our help is a morale booster for our employees," Mueller said. "It helps us keep people in the company."

**"Kohl Visits New Berlin Child Care Site," Milwaukee Journal Sentinel
January 6, 1998**

Kohl's legislation offered a tax credit to businesses willing to build and run onsite child care facilities for their employees or to offer them child care resource and referral services. The Children's Defense Fund, the National Child Care Association, and the National Center for the Early Childhood Workforce all endorsed Kohl's legislation, and Working Mother and Parents Magazine ran features on it.

The 104th Congress adjourned without taking action on the Child Care Infrastructure Act, but Kohl reintroduced it as S. 82 on January 7, 1997, the first day of the 105th Congress. Congress was at work on a major tax bill, the Taxpayer Relief Act of 1997. As the Senate took up the legislation in June, Kohl lobbied his colleagues to support his bill, coordinating almost daily with Treasury Secretary Robert Rubin.

Kohl's efforts paid off: In the highly partisan atmosphere of the Republican-led, "Contract with America" Congress, Kohl convinced six Republican senators to cosponsor S.82 and join him in offering it as an amendment to the tax bill. The amendment passed – the only amendment sponsored by a Democrat to pass either house of Congress during the debate on the Taxpayer Relief Act of 1997.

Unfortunately, the House of Representatives, led by Speaker Newt Gingrich, forced the Senate to drop S.82 during final negotiations on the tax bill. But in January 1998, the proposal won new life as President Bill Clinton included it, in almost identical form, in his child care initiative. First Lady Hilary Clinton visited Milwaukee to stump for the measure with Kohl.

Kohl reintroduced the Child Care Infrastructure Act in the 106th Congress (S.63) and the 107th Congress (S.99), but it was not until the spring and summer of 2001, when Congress took up President George W. Bush's tax cuts, that there was another opportunity to press for action on Kohl's proposal.

During these debates, Kohl led a group of 11 moderate Democrats willing to negotiate with the Republicans to ensure that the tax cuts contained provisions benefitting working families, including the Child Care Infrastructure Act. "The tax cut was going to happen," remembers Kohl. "We saw it as our job to During these debates, Kohl led a group of 11 moderate Democrats willing to negotiate with the Republicans to ensure that the tax cuts contained provisions benefitting working families, including the Child Care Infrastructure Act. "The tax cut was going to happen," remembers Kohl.

This is a golden opportunity for us to participate in the process of making sure our employees are happy," said Lars Johnson, who operates a famed restaurant and tourist destination, Al Johnson's Swedish Restaurant and Butik in Sister Bay. "If our employees are happy, we as employers benefit because the parents are better employees."

**"Kohl Finds Support for Child Care Plan," Milwaukee Journal Sentinel
December 21, 1997**

“We saw it as our job to make sure that it didn’t leave out the working families whose productivity fueled what was then a solid economy and rising budget surpluses.”

The group was successful. When President Bush signed the Economic Growth and Tax Reconciliation Act of 2001, it included significant provisions to return tax dollars to low-income families, including a refundable child tax credit, marriage penalty relief, and Kohl’s Child Care Infrastructure Act.

Since 2001, the tax credit Kohl’s legislation created has provided businesses willing to invest in child care for their employees with approximately \$15 million a year in tax relief – and has leveraged \$60 million a year in private-sector spending on child care. Many advocates for children, families, and businesses have since recognized Kohl for his work on the credit, and in 2008, Working Mother magazine presented Kohl with their first “Best of Congress Award.”

The credit was originally slated to expire at the end of 2010, but Kohl made sure it was extended for two years in the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010. In 2012, Kohl introduced legislation to extend the credit permanently.

“We don’t yet have the child care system or the focus on early childhood development that our families and our economy need,” remarks Kohl. “But we are much further along than we were in 1996. I like to think the Child

These are hard times for America’s working families, perhaps the hardest I have seen in my four terms in the Senate. Worries about finding or keeping a job, rising bills, soaring education costs, crashing housing markets – all snowball into unbearable stress on too many households. Then add to that the tragedy of the parent who finds the job she wants and needs, only to have to turn it down because she cannot also find care for her young children – or worse, to be forced to take the job and place her children in substandard, even dangerous care.

I originally introduced the Employer-Provided Dependent Care tax credit in 1996...my bill was signed into law in 2001...

Even beyond the tax benefits (it provides), the businesses that provide child care reap measurable returns as their employees take fewer days off to deal with family issues and employee retention rates and job satisfaction increase. Bright Horizons, one of the nation’s premier providers of onsite child care, surveyed a number of businesses with child care centers onsite and found that “the organizations realized \$11,064,288 in cost savings from reduced turnover among center users, for an average of \$615,000 per organization.”

And as impressive as those numbers are, they pale in comparison to the immeasurable gift to a family of knowing that their children are safe, sound, and close-by while their mom or dad is at work – the gift to a parent of not having to choose between putting food on the table and putting a child in danger. Now is not the time to add another stress to overstressed working families struggling to survive in a down economy. Now is the time to extend the Employer-Provided Dependent Care tax credit permanently.

Senator Herb Kohl, introducing legislation to extend the child care infrastructure tax credit permanently, July 24, 2012.

Care Infrastructure Act was part of that – especially in the way it has made the government partners with business in trying to make more quality child care available.”

Family Friendly Tax Policy

“Of course, the best child care options in the world aren’t going to help a family if parents can’t get a job that pays a decent wage,” comments Senator Kohl. “That is why I always focused on income and tax policies that let families earn a fair salary and get to keep most of it – not send it off to Washington.”

“I am not one of those politicians who will tell you that I am against all taxes – I’m not,” continues Kohl. “My family did so well in this country that it is right and fair I should be asked to give back. But a family living paycheck to paycheck, trying to keep their kids healthy and get them educated? They are the ones who need and deserve tax breaks.”

*We need more people like
Herb Kohl watching out
for our families.*

**Carla Cohen Milwaukee, WI
Senator Kohl’s Report to the
People of Wisconsin
2000**

In 1997, Kohl supported the creation of the tax credit for middle income families with children and then, during the debate on the 2001 tax cuts, used his influence as a swing vote to make sure that credit was refundable for lower income families. And he argued for and saw passed a law that stopped the tax code from penalizing married couples.

Kohl defended and advocated for the Earned Income Tax Credit throughout his tenure. The credit, enacted in 1975, goes to low and middle income wage earners with an emphasis on families with children; if the credit exceeds a family’s tax liability, they receive the excess as a refund.

At several points, Kohl fought the IRS’s attempts to layer unnecessary bureaucratic requirements on the EITC. He also led the charge to increase and expand the credit and to defend it against Republican attacks. Speaking on the Senate floor against one such attempt in 1995, Kohl said:

“The budget before us today does not touch tax benefits for the wealthy and powerful. We all know that situation exists because the special interests that benefit

from our current tax scheme have both the resources and ability to protect their advantages. On the other hand, Americans who rely on the EITC are too busy working--or worrying about their children's' health or education--or struggling to make ends meet in these challenging and difficult times--to know that the Congress is about to hit them with a hidden tax increase. Because that is just what a reduction in the EITC is--a tax increase.

Mr. President, the EITC provides a tangible economic incentive to lower income Americans to work for a living. In my own State of Wisconsin, 2,294,126 returns were filed for the 1993 tax year...The average refund in Wisconsin was \$961.63. Now that might not sound like a lot of money to some people from other parts of the country--or even to some in this chamber. But make no mistake about it, to the Wisconsin taxpayers who qualified for those refunds, they made the difference between work and welfare; between hard work and a hand-out; and between self-worth and self-doubt."

“It may be my most significant accomplishment – it will certainly be my most enduring. It took a while, but in the end, we did right by Wisconsin’s dairy farmers.

Herb Kohl

America’s Dairyland

Nature and history conspire to make Wisconsin America’s dairyland: lush pasture, temperate climate, and generations of family dairy farmers and cheesemakers, many carrying on traditions from overseas and centuries past. But when Herb Kohl entered the Senate in 1989, a government pricing policy – based on regional discrimination and inefficient subsidization – was in the process of wiping out Wisconsin’s God-given advantage.

“And more,” remembers Kohl. “Our producers were in danger of being driven out of business by a government-sponsored pricing system that violated every tenet of free markets and basic fairness. I knew I was going to have to make changing that a touchstone of my time in office.”

“When I first met Herb Kohl, I was skeptical that this urban businessman would be willing and able to take on the notorious complexities of federal dairy policy. But I quickly learned differently. In my years of working with the Senator, I came to know him as an unrelenting, knowledgeable, and genuine advocate for Wisconsin dairy farmers and their right to a fair and equitable dairy policy. Without his tenacity, I am convinced that federal dairy policy would have taken a far different path, to the detriment of Upper Midwest dairy producers and the nation as whole.”

**Steve Etko
Coordinator, Midwest Dairy Coalition
Senator Kohl’s agriculture advisor, 1992-1997**

Milk Marketing Orders

When Kohl took office in 1989, the new junior Senator from “America’s Dairyland,” he faced a federal system for pricing milk that violated his deeply held beliefs in free market economics and regional fairness. Writing in an op-ed for the Appleton Post Crescent, Kohl stated his case bluntly: “Wisconsin dairy farmers are getting milked by the federal government. An archaic federal marketing system requires milk plants to pay dairy farmers more for their milk based on their distance from Eau Claire. That means that Wisconsin farmers are placed...at a competitive disadvantage compared with dairy farmers in other parts of the nation.”

Kohl wasted no time in taking aim at the milk marketing order system that penalized Wisconsin dairy farmers for being productive. He introduced the Milk Marketing Order Equity Act that would “end the discriminatory pricing and other economic disincentives that currently exist,” as Kohl wrote in a column that appeared in 1989 in newspapers across Wisconsin, and he pushed for the legislation’s inclusion in the 1990 farm bill.

“At the time, I thought I was just proposing a common sense fix to a price control system that was, at least to me, obviously outdated and inefficient,” remembers Kohl. “I had no idea that that

MILK MARKETING ORDERS

Federal milk marketing orders came into existence as a result of the Agricultural Marketing Agreement Act of 1937, which gave the Secretary of Agriculture open-ended powers to manipulate milk prices. The rationale for the legislation was to reduce disorderly marketing conditions, improve price stability in fluid milk markets, and ensure a "sufficient quantity of pure and wholesome milk."

Federal milk marketing orders operate as a federation of regional units with a raft of intricate regulations to govern the overall price to be paid for milk in each region. In addition to establishing a formula to determine a minimum national price for milk, the milk marketing orders impose a premium price – a "differential" – based upon the distance from Eau Claire, Wisconsin, to where the milk is produced. The orders also enforce different prices depending upon the end use of the milk.

The program's tangled web of mind-numbing pricing schemes has metastasized into a multilayered, incomprehensible, intrusive labyrinth increasingly divorced from economic realities and market forces. This archaic system provides an all-obtrusive federal meddling in milk pricing. Each and every product containing milk costs consumers more as a result of the marketing orders, making them little more than a milk tax...

Primarily due to the "differential," milk marketing orders force consumers in New York, Texas and Florida, for example, to pay 30 to 35 cents more per gallon of milk than those in Wisconsin and Minnesota. Perversely, the differential system also penalizes dairy farmers in the most efficient dairy farming regions and rewards dairy farmers operating in high-cost, inefficient areas far from Eau Claire.

From the Citizens Against Government Waste website

"He has been a champion for farmers and rural Americans and has been a friend of WFU for many years."

**Darin Von Ruden
President
Wisconsin Farmers Union**

was just the start of a debate that would rage over two decades and end up transforming the way this nation treats our dairy farmers."

The 1990 farm bill did not include Kohl's legislation. "I knew right then that this was going to be a long process," says Kohl. "But I also knew that we would win eventually -- because what we were trying to do was create federal dairy policy that was good for all farmers and all consumers, no matter in what part of the country they lived." So Kohl started

to seek other venues and other vehicles to promote his dairy reform ideas.

In 1990, he joined a coalition of Wisconsin and Minnesota legislators to push Secretary of Agriculture Clayton Yeutter to hold national hearings on the milk market order system and, when the secretary agreed, Kohl helped make sure the group could testify. Though Yeutter was sympathetic to the case the Upper Midwestern legislators laid out, he did not exercise his authority to reform the discriminatory system, yielding to pressure from dairy farmers in the West, South, and Northeast who benefited from the skewed status quo. When asked by the Associated Press about the possibility that the milk market orders might be altered to make them fairer to Midwestern farmers, one lawyer representing Southern producers said: "We're going to fight like hell to keep it from happening. They are not going to bulldozer over us."

So it was no surprise in 1991 when the Bush Administration refused to act. Disappointed but far from defeated, Kohl and his allies continued to battle the antiquated milk market order system. Congress after Congress, Kohl sponsored legislation to reform or end the system, and he joined other Midwestern legislators in supporting a series of legal suits against the USDA brought by the Minnesota Milk Producers Association starting in 1990. As a result of those actions, a U.S. District court ruled several times that the manner in which the USDA manipulated milk prices was "arbitrary and capricious," and in 1997, prohibited the USDA from enforcing the system until it could be made fair.

Though the administration appealed -- and the courts eventually delayed -- that outright injunction, the pressure brought to bear by the Midwestern lawmakers finally got the result they had long sought: a serious national debate over updating the milk

marketing order system. The 1996 Farm Bill included provisions that gave the administration the power to make sweeping changes to the milk market orders. Before that bill even became law, Kohl, at a March 1996 hearing before the Agriculture Appropriations Subcommittee, pushed Agriculture Secretary Dan Glickman to commit to real change: "I am hopeful that the milk marketing order reform provisions of the final farm bill will give you the tools necessary to make the pricing system more accurately reflect today's markets, to establish a system that is more defensible in today's economy and more fair to Wisconsin's farmers."

Glickman responded more positively than any USDA official had in the past: "Pricing differentials affect the Midwest in a disproportionately negative way. The differential is not fair. My goal is to reduce and eliminate the differential."

It would be three years – and countless meetings, phone calls, floor debates, hearings, proposals, and a national referendum of all dairy farmers – before that promise became even a partial reality. On March 31, 1999, the USDA announced its new federal milk market order rule. Said Kohl that day: "This is the first real dairy reform in over 60 years – since the New Deal. The USDA's final decision on milk marketing reform is a step in the right direction toward a simplified national pricing system...there are a lot of details to be analyzed, but at first glance, I am encouraged...it looks like Wisconsin's dairy farmers will be able to compete in a fairer, more market oriented system due to a narrowing of the price differential."

"My primary purpose in rising at this point is to praise my senior colleague, Senator Kohl. The words that have been said about many in this effort are true. But I want everyone to know that this was not an effort that he initiated a week ago, or 2 weeks ago, or 2 years ago. Every single day since I have been in the Senate I have found working with Senator Kohl on this critical issue to be one of the best opportunities to work with another Senator together for our state. This has been certainly the most dramatic example. But it is an example also of the tenaciousness that Senator Kohl has on behalf of our dairy farmers."

Senator Russ Feingold, November 19, 1999

After a decade of fighting for reform of the milk marketing system, Kohl may have sounded muted in his reaction to success. But by this point, he and his allies were waging a war on two fronts. The early 1990s saw a new dairy pricing scheme take root – one that intensified regional conflicts and disadvantaged Wisconsin dairy farmers far more than milk marketing orders ever had: The Northeast Dairy Compact.

Regional Dairy Compacts

Before the ink dried on the USDA's milk marketing order reforms, efforts began in the House and Senate to overturn the proposal. As Senator Kohl explained to dairy farmers in Eau Claire in September of 1999, "It is never over until it's over and even when it's over, it isn't over. That's the way it is in Washington."

"That may sound cynical," states Kohl today, "but when I look back I realize I wasn't cynical enough. I thought the fact that the Secretary of Agriculture was moving – albeit at a glacial pace – toward a national policy on milk prices would be the cue for my colleagues to call a truce in the regional civil war on dairy. In fact, just the opposite occurred."

Kohl refers to the intensification of the battle over the Northeast Dairy Compact that took place in 1999. The

What is a dairy compact, and how does it work?

The Northeast Dairy Compact is a formal agreement among six New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) to keep the price of milk in the region high enough so New England's dairy farmers can stay in business. Because of Congress' authority under the Constitution to regulate interstate commerce, both federal and state legislation was required to create the compact.

Under the compact, a commission of 26 delegates—three from Maine, three from New Hampshire, and five from each of the other states—establishes a minimum price for milk in the region. The minimum price established in July 1997 was \$16.94 per hundredweight (100 pounds, or 11.6 gallons). Since then, the compact's minimum price has not changed.

The compact's minimum price for milk is a supplement, not a replacement, for federal milk price supports. The compact's minimum price of \$16.94 may be higher or lower than the regional minimum price for milk established monthly by the U.S. Department of Agriculture. When the compact price is lower than the USDA's price, as it has been for the past three months, the compact has no effect on the market. But when the compact's price is higher than the USDA's price, milk processors that sell milk in New England must pay the difference to the compact...

The compact increases the price consumers pay for milk in New England, though economists disagree on how much. The Wall Street Journal editorial page says the compact increases the price of milk by 15 to 20 cents a gallon. The compact commission believes the cost to consumers is likely between 8 and 11 cents per gallon.

The Northeast Dairy Compact is currently the only dairy compact in the United States. But some Southern and Western states want to form their own compacts, and other states want to join the Northeast Dairy Compact.

How Does Sen. Jeffords Keep Vermont's Cows Solvent? Slate

August 7, 2001

compact was a cartel agreement among six New England states to set the price of milk produced in their region.

As Kohl explained in an opinion column that ran in papers across Wisconsin in the summer of 1999: "Dairy compacts artificially raise the price of Class I milk above the prevailing federal milk marketing order price for the states in the compact region. By a complicated formula, all dairy farmers in the region receive some extra subsidy for the region's milk processors based on their overall milk production. Of course, this is an incentive for the farmers of the region to produce more milk than the region needs or demands.

"The overproduction of milk in the compact region causes prices to fall in non-compact states...As compacts spread to other regions of the country...the fewer and fewer farmers operating in a free market are squeezed even more by overproduction. The cost to efficient family farms in the Midwest would become unbearable."

Senator Patrick Leahy, (D-VT) first introduced legislation to give federal approval to the Northeast Dairy Compact in the spring of 1994. The House Judiciary Committee sent the issue to the full House for consideration, but it was never acted upon there – in part because of the bipartisan efforts of opponents like Kohl and Senator Chuck Grassley (R-IA), who wrote to the House committee:

"There is no precedent for this kind of interstate compact. Congress has never approved a compact under which the compact member states were permitted to wall themselves off into a separate economic price-fixing unit, or to dictate the terms at which interstate transactions with non-compact members could occur. Existing compacts deal with such matters as transportation, bridges, water control, and boundary lines; they do not give to compact members the right to engage in economic Balkanization. "

"The truth is that the actions of this government price-fixing cartel will add about \$25 million a year to our grocery bills. No matter how you slice it, the dairy compact is a raw deal for Massachusetts's consumers. The heaviest burden of this regressive milk tax falls on the state's low-income and working-class families..."

"Northeast Dairy Compact leaves sour taste," Massachusetts State Senator Edward Clancy writing in the Boston Business Journal, May 18, 1998

The Senate also declined to take up the bill in 1994.

In 1995, Senator Jeffords, the then-Republican Senator from Vermont, reintroduced the compact bill, and it was included in the Senate version of the 1995 budget in order to secure Northeastern Senators' support for that measure. Kohl went to the floor to beg his colleagues not to give up on the hope for a national dairy policy that would benefit all consumers and all farmers: "The Northeast Dairy Compact goes beyond anything ever done in a bill... It is the product of one region's frustration with national policies, and an effort by that region to remove themselves from that national system and establish a regional dairy policy." The conferees on the budget dropped the legislation authorizing the compact.

That victory for free markets and national over regional dairy policy was short-lived. Using his position as the highest ranking Democrat on the Senate committee in charge of drafting the 1996 farm bill, Leahy again inserted a provision creating a Northeast Dairy Compact into the legislation that hit the Senate floor in February of 1996. Kohl and the junior Senator from Wisconsin, Russ Feingold, moved to strike the provision in an unusual 11th hour debate that stretched from sunrise until right before final passage of the massive bill.

"The proposal sets up anticompetitive fences around states in the east, keeping out commerce and putting Wisconsin farmers at a terrible disadvantage," argued Kohl on the Senate floor. The final vote was 50-46 in favor of the Kohl-Feingold amendment. "This was a hard-fought issue of basic fairness, and I am pleased that we derailed this anticompetitive cartel," Kohl said after the vote.

But the fight was far from over. In less than three weeks, a House-Senate conference committee on the farm bill had cut a backroom deal with Democratic Senators from the Northeast: Support the Republican's "Freedom to Farm bill" -- at that time seen as a conservative-led attempt to shrink the federal government's role in farming -- and you'll get your dairy compact. When the farm bill returned to the Senate for final consideration, this time with no opportunity for amendment, Kohl and Feingold opposed it vigorously.

"I am outraged that the House-Senate conference committee included a provision that (creates) the Northeast Dairy Compact. We fought that fight on the

Senate floor and defeated the compact on merit. The compact was killed through the democratic process. Now, in a backroom deal, it's slipped back in. That's not how the country's best interests are served," Kohl said.

"The Administration is dead wrong and this decision will not stand. The compact is not only bad dairy policy, it's bad consumer policy, and it violates the Constitution. This is a misguided result of a back room deal that should have never seen the light of day."

Herb Kohl, reacting to news that Agriculture Secretary Dan Glickman approved the establishment of the Northeast Dairy Compact through 1999.

"That was a tough loss," Kohl remembers. "We had consumers on our side. We had facts on our side. We had precedent, free-market economic theory, constitutional law, and – most importantly – the votes on our side. But it would be three years before we would get another real chance to convince Washington that this divisive regional price fixing cartel was terrible, destructive, and unfair policy."

National Cheese Exchange

Even after the Northeast Dairy Compact became law, Kohl did not give up his efforts to repeal it. "We visited the White House, lobbied our colleagues, held hearings, commissioned studies, did everything we could to build the case against the compact so we could make sure we drove a stake through its heart next chance we got."

And while preparing for that final run at the compact, Kohl pursued other avenues to assure Wisconsin dairy farmers a fair and reasonable price for their milk. He continued to press for milk market order reform (see above). He won a commitment from Secretary Glickman in December of 1996 to take actions – including increasing dairy exports and donations of dairy commodities under U.S. food aid programs – to stabilize dairy prices, at that time in free fall. He made sure Wisconsin could participate fully in the Dairy Options Pilot Program, a USDA initiative that helps farmers participate in the future markets in order to manage risk.

And he sought to delink cheese prices from the trading that went on at the tiny National Cheese Exchange in Green Bay, Wisconsin. "This was yet another example of how distorted the markets for dairy products were in the 1990s. The NCE traded just one-fifth of 1 percent of all bulk cheese, yet the prices set in those transactions

“We must find a price discovery mechanism that is credible, that is more reflective of supply and demand, and that offers less potential for manipulation...”

Senator Herb Kohl
March 13, 1997

determined prices in virtually all bulk cheese contracts. And there were some very big players dominating the NCE. We couldn't help but worry that prices were, at best, inaccurate and inefficient and, at worst, manipulated by one or two huge processors – and not to the advantage of the farmers.”

As early as 1991, Kohl secured funding for the Food Systems Research Group at the University of Madison-Wisconsin to investigate the NCE and its effect on dairy prices. On March 19, 1996, the group issued its report: “In sum, our analysis of business

motives, trading conduct on the NCE, an in-depth analysis of Kraft's conduct on and off the NCE, and a quantitative analysis of NCE prices indicate that the National Cheese Exchange was not an effectively competitive price discovery mechanism...As currently organized, the Exchange appears to facilitate market manipulation.”

Kohl's suspicions were validated: “I am disappointed, but not surprised. The report suggests that the [National Cheese Exchange] is fatally flawed and ought to be completely eliminated in favor of a market with less potential for large sellers to manipulate cheese prices.” The release of the report served as a launching point for a national discussion of the reform of cheese pricing.

Worried that USDA would hold off addressing the problems raised in the report until they presented their milk marketing reform proposals in 1999, Kohl and Sen. Russ Feingold (D-WI) introduced the National Cheese Exchange Oversight and Improvement Act on February 11, 1997. Said Kohl of the legislation: “Ultimately, what we need to do is find an alternative price discovery mechanism that more accurately reflects market conditions and is less subject to manipulation. But in the short term, we need to delink the National Cheese Exchange from the farmers' milk prices, and we need to do that as soon as possible.”

By May, Agriculture Secretary Glickman responded, announcing that prices would no longer hinge on the operations of the NCE, but instead would be based on price information gleaned from a weekly survey of over 80 percent of the manufacturing plants actually processing bulk cheese: “The new cheese price series...

will significantly contribute to improved market information for the dairy industry," Glickman said, "while allowing the current longer term process of reforming federal milk marketing orders, including possible replacement of the BFP, to continue without disruption."

Dairy Trade

"I came to Congress supporting free trade for dairy products, though I admit I had no idea we would spend so much time fighting against tariffs and trade barriers between the states – which is exactly what dairy compacts represented. But that doesn't mean we ignored the opportunities for Wisconsin farmers in foreign markets," Kohl explains.

In the late 1990s, concerned about unfair treatment of dairy products by Canada and the potential for further damage to dairy exports in upcoming GATT talks, Kohl pulled together House and Senate staff from the Northeast and Midwest and from the committees with jurisdiction over trade and agriculture. The result was a joint request from the Vermont and Wisconsin delegations to the USDA and the USTR to begin coordinating on dairy trade strategy.

Around the same time, Senator Kohl took a lead role in raising questions about the potential anti-competitive nature of some state trading enterprises. The biggest of these, the New Zealand Dairy Board, used its monopoly-power to undercut American dairy exports overseas and get a higher price for their own imports into America. Through opinion columns in the national press and rigorous questioning of USDA officials at hearings, Kohl and his allies focused the administration's attention on negotiating the best deal for dairy exports during future trade negotiations. Further, through his position on the

Wisconsin Dairy Exports Grow to \$250 Million in 2011

USDA estimates that the value of Wisconsin dairy exports in 2011 was nearly \$250 million. This was up \$20 million over 2010 and about \$10 million more than the previous high in 2008. Wisconsin dairy exports in 2011 were nearly five times what they were in 2004.

Wisconsin's principal dairy exports coincide with the state's dairy manufacturing mix. Wisconsin is the leading state in cheese production and cheese was its largest dairy export at \$105 million. Cheese production yields whey, which was second in export value at \$95 million.

Wisconsin ranked fifth among states in 2011 dairy exports.

**The Babcock Institute
August 2012**

Appropriations Committee, Kohl ensured that the USDA program assisting dairy farmers who wanted to sell overseas remained robust.

The Death of Dairy Compacts

After the passage of the 1996 Farm Bill, Senator Kohl and his Midwestern allies beat back a number of attempts to extend the compact's authorization or expand it to Southern and Western states. On April 29, 1999, in response to these proposals, Kohl introduced the bipartisan "Dairy Fairness Act" to repeal the compact ahead of its expiration date in October of 1999.

"The supporters of the compact seem determined to preserve the unfair advantages their dairy farmers now enjoy," Kohl said. "In doing so, they ignore what would benefit dairy farmers and consumers all across the country. The price of milk should be set by the market, not by compacts or its distance from Eau Claire. We will fight all efforts to legitimize dairy compacts. And we will fight for the right of competitive dairy farmers - like those in Wisconsin - to make an honest living selling their products at an honest price."

In June of 1999, Kohl blocked the efforts of Senators Patrick Leahy and James Jeffords to add an amendment extending and expanding the Northeast Dairy Compact during the Appropriations Committee mark-up of the FY2000 Agricultural Appropriations bill. Kohl

I do not believe there is much I can teach my colleagues on most political issues. However today we are asked to put into our conference report some dairy policy changes that are as complicated as they are destructive to my state and to sound national economic policy. We are not the agriculture authorizing committee, so there is no reason our members would know the ins and outs of dairy pricing laws. But if we are going to change those laws in this committee, I think it is only fair that we establish a full record on the impact of those changes.

But before we get into the terrible national economic implications of this amendment, let me make an emotional appeal. Do not do this to Wisconsin. Do not do this to the Upper Midwest.

Wisconsin is the dairy state. We have thousands of farms. We have thousands more residents who make their living buying and selling dairy products, farm equipment, barns, feed, even the early morning coffee served to the farmers who come to town straight from their milking barns each morning.

This amendment threatens that, but more than that. We have towns that would cease to be towns were our herds sold off, our tractors silenced. We have fairs that would close after a hundred summers of operation - schools where fathers and grandfathers attended before, that would empty of farm children - volunteer fire departments that would lose volunteers - generations of cheesemakers that would stop making cheese this generation.

Do you know that the only producer of Limburger cheese in the nation is in Wisconsin? Do you know that Wisconsin produces over 200 varieties of cheeses, second only to France? You ought to know that before you decide to cripple our dairy industry. You ought to at least know what you are killing.

This amendment does not just strike at an industry in my state. It strikes at the heart and soul of Wisconsin.

**Senator Herb Kohl
Remarks prepared for closed House-Senate
Appropriations Committee mark-up
September 1999**

“With Washington cutting money for welfare, food stamps and other poverty programs, this is no time to impose needless costs on the poor. It will be hard for Mr. Glickman to admit he erred when he approved the cartel. But it would be even harder on parents to pay more for their children's milk...”

New York Times
March 15, 1997

worked for months lining up the support of consumer groups and fellow Senators – efforts that culminated in a letter signed by 41 Senators vowing to support a filibuster if the compact amendment was included in the bill (41 votes guarantee that a filibuster cannot be stopped).

Kohl then notified the chairman and ranking member of the Appropriations Committee that he and his allies planned to filibuster the Agriculture Appropriations bill in committee if an attempt were made to add a compact amendment there. He prepared 70 amendments to offer if a filibuster were necessary and, with the help of Sen. Orrin Hatch (R-UT), chairman of the Senate Judiciary

Committee which has jurisdiction over compact law, and Sen. Richard Lugar (R-IN), the chairman of the Senate Agriculture Committee, sought assurances from each Appropriations Committee member that he or she would resist Leahy’s attempts to offer a compact amendment.

“That did the trick,” Kohl recalls. “Leahy didn’t dare offer the amendment in Committee. I like to think this marked the point when we finally convinced a critical mass of Senators of just how unfair a national dairy policy based on regional favoritism really was. Unfortunately, our efforts didn’t end compacts – it just drove their supporters back into the backrooms where they cut another political deal to keep their price-fixing cartel alive.”

But Kohl did have a few months to savor the fruits of his labor: a dawning understanding in Congress that the only sensible dairy policy was a national dairy policy. In October, Kohl saw the Senate approve an Agricultural Appropriations bill that included no new or expanded regional compacts but instead a national program providing emergency aid for dairy farmers experiencing yet

“Pressured by the dairy industry, the government maintains a Depression-era formula that makes some cows (and their owners) more equal than others, depending on where they live. Millions of consumers and taxpayers pay the price; higher milk costs for themselves, higher taxes for government-bought milk for schools and other programs.”

USA Today
March 2, 1998

another year of low milk prices. As he noted upon the bill's passage: "This year, what isn't in the bill is just as crucial to our state and to fair national policy as what is. We have more hurdles ahead, but it is my hope, the more we make our voices heard, the more lawmakers will recognize the need to abolish compacts." Passage of this bill saw budget hawk groups like the National Taxpayers Union and farm groups like the National Farmers Union join the consumer groups already supporting Kohl's call for an end to compacts.

The anti-compact movement's new momentum ground to a halt in November of 1999 when the Republican leadership, just days before Congress adjourned for the 1999 elections, slipped into a massive final budget bill a provision extending the life of the compact until September 30, 2001. Kohl immediately vowed to do everything in his

"Alarmed by the potential harm both to middle-class consumers and low-income families, various groups are protesting the new bill. Nutrition and consumer groups, government-spending watchdogs and milk processors and retailers all have lined up against the concept. Congress should reject this attempt to extend the counterproductive intrusion on the workings of the free market.

'Let the milk cartel die.'

Philadelphia Inquirer
June 15, 1999

power to stop the legislation that, according to reports, Republicans included to help Sen. Jeffords in a close re-election bid.

"I was not elected to the United States Senate to stand by and watch back-room deals fly through this institution without a debate or a vote, leaving Wisconsin without a voice and without hope," announced Kohl. "It is for that reason that I have objected - and will continue to object - to legislation moving through the Senate."

Kohl continued: "This is a path that is dangerous and wrong for my state and the country. I can understand that Senators may not be concerned about the effect on Wisconsin's dairy industry. I cannot understand that Senators would accept this as sound national policy. I apologize to everyone who is caught up in this fight. It is not a fight that I have chosen - it is a fight that the Republican leadership of the Congress has chosen to pick with me and the people of my state. I have no guarantee that I will win - but I will fight."

"The state should not have allowed New York's dairy farmers to join a regional milk cartel. This sour stuff will keep the wholesale price of milk artificially high, forcing processors and retailers to pass the cost on to consumers. The hit will fall hardest on the poorest parents who buy milk for their children. And it's not clear how much it will help the small farm owners most in need."

Newsday
January 5, 1999

"We took it down to the wire," Kohl remembers. "We were mere hours away from shutting down the whole government -- sending home federal workers, closing national parks, stopping social security checks, military pay. And still the Northeastern Senators would not relent. Just as they had for years disadvantaged Wisconsin farmers so their farmers could get a sweet deal, now they were willing to shutter the entire government rather than give that deal up, regardless of the harm and chaos that might cause. Well, I wasn't. I could not agree to a course that was ruinous to the nation even though it might right serious wrongs done to my state. I let the budget go through, but not without assurances from everyone involved that this would be the last we would hear of compacts."

Majority Leader Sen. Trent Lott (R-MS) took the floor: "While this legislation is going to pass, we should not stop at this point. We should look for a better way to do this. We should look for a way to get away from compacts and a way to get away from the type of government controls we now have...I am committed here today to work with those who believe we should not be doing this to find a way to do it better. I know the Senators on the other side will fight tenaciously against that, but I want the record to reflect my true feelings on this and reflect my commitment that we are not going to leave it on this line."

Minority Leader Sen. Tom Daschle (D-SD) followed: "I do not support compacts. I do not support the Northeast Dairy Compact. I do not believe it is good economic policy. I think the process that allowed the Northeast Dairy Compact to be inserted in the budget process was flawed and wrong and unfair. This isn't the way we ought to deal with complex and extraordinarily important economic policy affecting not hundreds or thousands but millions of rural Americans. I oppose compacts in any form, but I especially oppose them when they are loaded into a bill without the opportunity of a good debate, without the opportunity of votes, without the opportunity of amendment. We will come back to this issue. We must revisit this question. We must

find a way by which to assure that all views are taken into account, and all sections of the country are treated fairly. It is one thing to throw things and to stomp up and down and to cause all kinds of havoc. Anyone can do that. But it takes courage, it takes character, it takes class to say, look, in spite of the fact that we were not treated fairly, we are going to work with you to assure that people in other circumstances will be treated more fairly."

And finally, the powerful ranking member of the Senate Appropriations Committee, Sen. Robert C. Byrd: "As ranking member of the Senate Appropriations Committee, let me say a few words. I would like to say more about this man from Wisconsin but time constraints will not allow me to do that.

"He is the Stonewall Jackson of Wisconsin. He stands like a stone wall. If I had the voice of Jove, I would shout from the ends of the earth. Yet I would not be able to move this man, Herb Kohl, when he takes a determined stand. He has been talking with me time and time again about this issue that is so important to him and the people of Wisconsin. He has been absolutely indefatigable; he has been unshakable, and I salute him. He has stood up for the people of Wisconsin. That is what I like about him. He stands for principle. He stands for his people.

"The people of Wisconsin have a real treasure in Herb Kohl, and I have a real treasure in Herb Kohl as a friend. I want him to know that at any future time when this issue comes up, he knows the number of my office, the number on my telephone. I will be glad to see him, talk with him, and help him in his fight."

"Kohl's determined struggle was not a failure. Efforts to expand the worst components of the current system were stymied, a broader coalition in support of reform has been developed, and even the worst players in the Senate GOP leadership have acknowledged publicly that the time has come to make changes. The fight for a better milk pricing system continues and a fair resolution for Wisconsin's farmers is more likely as a result of Kohl's determined work."

**"Herb Kohl's Good Fight," The Capital Times
November 24, 1999**

“New England consumers owe thanks to senators from the Midwest and West, particularly Wisconsin, for successfully fighting expansion of this OPEC for milk...It was particularly regressive policy in that the burden fell most heavily on the poor...All of New England will be well rid of this bad law.”

**Boston Herald editorial
anticipating expiration of the
Northeast Dairy Compact,
August 6, 2001**

“We lost the battle, but we won the war,” Kohl explains. “The compact was extended but not expanded. And though we had to keep our coalition together to fight off attempts over the next two years to further extend the compact or add states to it, the leaders kept their promises – even after Senator Jeffords switched parties and made Senator Daschle the majority leader in an attempt to get him to change his position on compacts. He kept his promise. The Northeast Dairy Compact closed for good on September 30, 2001. And by that time, Congress had moved toward a truly national dairy policy – one that treated all dairy farmers the same – and that is all we wanted from day one.”

MILC: The Birth of National Dairy Policy

Even in the heat of the regional conflict over dairy compacts, Senator Kohl was seeking national solutions to the milk price collapse that plagued farmers everywhere. In the fall of 1998, he made sure that a portion of the emergency farm payments passed by Congress was set aside for dairy farmers and targeted to small and medium-sized family operations rather than the factory farms with many thousands of cows. One year later, he pressed Agriculture Secretary Dan Glickman to release those funds and led the effort to replenish the emergency relief coffers for fiscal year 2000, moves that garnered Kohl the National Farmers Union 1999 Presidential Award for Leadership.

By the year 2000, Kohl and the senior Democrat on the House Appropriations Committee, Rep. Dave Obey (D-WI), had moved to institutionalize their program to provide a national safety net for dairy farmers in times of high prices. “We had two goals,” remembers Kohl. “One was to make sure that every dairy farmer who wanted to could participate in the program, and we did that by capping payments at production levels equal to the output of about 150 cows. That meant that every farm would get something, but the largest operations wouldn’t deplete the fund. Second, we based the payments on market conditions – the national price of milk – and not on regional considerations. So no matter where you farmed, when milk prices were extremely low, you got some help.”

In the fiscal year 2001 Agriculture Appropriations bill, Senator Kohl continued to hone the market-based, national dairy program he and Obey created. Taking to the Senate floor to thank Sen. Thad Cochran (R-MS), Chairman of the Appropriations Committee, for his help in instituting the dairy initiative, Kohl told his colleagues: "This bill responds quickly and adequately to the very real crisis that has hit the dairy industry across this nation. Last December, milk prices dropped unexpectedly and dramatically. Today, the base price farmers receive for their milk is \$9.46. The average base price for 1998 was \$14.21, and the average for 1999 was \$12.43.

"Those cold numbers cannot express the hard damage that has been done to dairy farmers and their families throughout my state, and throughout the nation. They add up to families that have stopped milking after generations, and rural towns that are collapsing as farms disappear. America's dairyland is in real danger of becoming a wasteland. And today with this bill, the Senate has responded with emergency payments to the small farmers hardest hit by this disaster. I am proud of this institution for putting aside regional differences and interests, and for seeing this provision as--not just helping Wisconsin farmers, or Vermont farmers, or Pennsylvanian farmers--but as helping American families."

Wisconsin's dairy families are operating under enormous economic strain – and they need to know we stand with them.

Family farming has been a part of Wisconsin's rich agriculture tradition for generations. Today's dairy producers are struggling to balance low prices against high production costs to simply keep their farms and families solvent. I understand this struggle, and continue fighting to help them through these hardships.

Last year during consideration of the 2008 Farm Bill, I fought to extend the expiring Milk Income Loss Contract (MILC) program. The MILC program provides critical support to farmers when milk prices are low. When the market recovers and prices go up, the government spends nothing. And unlike dairy compacts, the MILC program provides fair benefits to farmers all over the country, without pitting the interests of one region against another.

I also pressed to include a 'feed cost adjuster' in the revised MILC program to bolster support when feed costs spike. MILC support from February to April ranged from \$1.50 to \$2.00 per hundredweight, with the 'feed cost adjuster' contributing 9 to 17 cents of additional support. While those payments don't fully insulate dairy farmers from economic turmoil, they have over the years meant the difference between bankruptcy and survival for thousands of family-sized dairy operations in our state.

As we press forward with a broad-based economic recovery program for the nation, I remain committed to making sure that rural Wisconsin and her dairy industry enjoy better times ahead

**"Dairy Month"
Senator Herb Kohl
June 2009**

As the senior Democrat on the Agriculture Appropriations Subcommittee, Kohl was positioned to continue to develop his national dairy market loss program on a year-by-year, ad hoc basis. But he had fought too hard against capricious, regional dairy compacts and skewed milk marketing orders to feel comfortable with such an ephemeral solution. So he sought out a Republican cosponsor – in this case the conservative Sen. Rick Santorum (R-PA), a member of the Republican leadership -- and introduced the National Dairy Farmers’ Fairness Act in the 106th and 107th Congresses.

“For too long, regional politics have plagued efforts to achieve a fair and equitable national dairy policy that benefits our farmers,” remarked Santorum. “As a result, milk pricing has become complex and burdensome. Given that dairy farmers have been receiving their lowest price for their milk in more than 20 years, we feel that Congress needs to step to the plate and offer a fair and reasonable solution, sooner rather than later.”

The legislation, modeled on the initiative Kohl and Obey had developed, established a sliding scale for emergency payments based on the previous year’s price of milk. The aid would be targeted to the smallest family farms, though all farms, regardless of size would get some help.

As the Northeast Dairy Compact expired at the end of 2001 and debate began on the 2002 Farm Bill, Senators from the compact states joined Kohl to push for a dairy program based on the National Dairy Farmers’ Fairness Act. In making a case for the new safety net to the House and Senate conferees shaping the final bill, Kohl argued: “I plead with the committee not to return to the days of bitter regional wars over compacts and other special dairy deals. Let this farm bill be remembered as the legislation that marked the beginning of national and fair dairy policy in this country.”

The conferees agreed. On October 15, 2002 the first direct payments to Wisconsin dairy farmers under the Milk Income loss Contract, or “MILC,” went out.

In 2004, Kohl joined with Senator Norm Coleman (R-MN) to extend the life of the MILC program, then slated

“I know Herb Kohl has fought hard for Wisconsin farmers. He’s helping to keep our way of life alive.”

**Ron Thieding
Dairy Farmer
Loganville, WI**

to expire in late 2005. “The MILC Program has literally been a lifeline for thousands of Wisconsin farmers,” said Kohl while introducing the bill. “Without a doubt, we have prevented scores of agriculture bankruptcies this Spring because this program was in place when milk prices hit historic lows.”

In September of 2004, Kohl won bipartisan approval for the extension in the Appropriations Committee, but by October, there were reports that the White House was in opposition. When President George W. Bush planned an October 7th campaign stop in Wausau, Wisconsin, located in dairy-rich Marathon County, Kohl saw his opportunity. He called on the president to get behind MILC: “Without his endorsement, this safety net will unravel,” explained Kohl at the time. That same day, Bush announced his support.

But even that was not enough to keep the House Republican leadership from stripping the program from the final Agriculture Appropriations bill at the end of 2004. Undeterred, Kohl introduced the extension of MILC on the first day of the 109th Congress. Within a month, Kohl’s bill had received the bipartisan support of nearly one-third of the Senate and the renewed endorsement of the President, who included the measure in his fiscal year 2006 budget submitted to Congress.



Northeast and Midwest legislators, former adversaries in the regional dairy wars over compacts, raise a milk toast to their newfound shared support for the national MILC program.

Kohl and his bipartisan coalition worked relentlessly to include the extension of MILC in the contentious budget that moved its way through Congress in 2005 and early 2006. In November of 2005, Kohl argued on the Senate floor for the countercyclical program: "It is targeted. It is fair. It is essential." The Senate listened. The extension was included in the budget reconciliation bill cleared through the Senate in December of 2005 and the House in February of 2006.

Kohl and his allies did not have long to celebrate winning dairy a spot among federal farm programs on equal footing other important American commodities. They quickly had to turn their attention to refining and continuing MILC in the 2007 Farm Bill.

As the debate over the legislation dragged into 2008, Kohl expanded the coalition of Senators working on MILC and won inclusion of a provision in the Senate bill that extended the life of the program; retained its focus on the small and medium farms that make up over 90 percent of dairy operations in Wisconsin; and added a new feature, a so-called "feed cost adjuster," which would factor in feed costs when triggering payments for farmers. "The end result is a better safety net for dairy producers in Wisconsin," Kohl said. "These changes restore and strengthen the original MILC program."

The MILC reforms survived the Senate-House Farm Bill conference negotiations and a presidential veto override vote to become law in May of 2008.

The 2012 Farm Bill

The 2008 addition of a "feed cost adjuster" to the MILC program was driven by new challenges confronting dairy producers. Even in months with relatively strong dairy prices, many producers struggled against dramatically shrinking margins due to increased feed and energy costs. Farmers found themselves worrying not just about dairy prices, but also unprecedented volatility in feed and fuel costs.

This new reality prompted soul searching among dairy producers and dairy organizations nationwide. And it coincided with growing concern about the cost of direct farm subsidy payments in general. The push for a "dairy margin protection" in lieu of direct federal payments became the central organizing element for dairy organizations in the 2012 farm bill.

This voluntary approach would allow farmers to pay an administrative fee and sign up for margin protection 'insurance'. When margins shrink below a set level, producers would get a check to help tide them over until margins improve. And producers who want the protection of better margins would be able to 'buy up' for additional protection.

Wisconsin is America's Dairyland

Wisconsin's future is linked to our dairy industry. With almost 12,000 family-owned dairy farms, hundreds of feed and supply companies, 1.2 million cows, 1,290 licensed cheesemakers and 412 licensed dairy plants; Wisconsin's dairy industry is a cornerstone of the state economy.

In Wisconsin, dairying is a way of life. From the words 'America's Dairyland' on our vehicle license plates to the foam cheese hats on our heads, Wisconsin's love of dairy runs deep. From processors that know cheese to dairy producers that know cows, and a dairy infrastructure that is second to none, Wisconsin is positioned to serve as the nation's center of dairy excellence for decades to come.

"Welcome to Wisconsin"

Wisconsin Department of Agriculture, Trade and Consumer Protection

Ever vigilant, Senator Kohl weighed in on March 22, 2012 with suggestions for making this approach work better for the majority of Wisconsin dairy producers. In a letter to the Chair and Ranking member of the Senate Agriculture Committee he noted, "...we believe that the proposal can be improved to ensure that the safety net meets the unique economic needs of the nation's small-and-medium-scale dairy farmers." He urged them, "to include...lower premiums for the first 4 million pounds of production in order to make higher levels of margin protection more affordable for all dairy farmers, but particularly those farmers with approximately 200 cows or fewer, representing roughly 90 percent of the nation's dairy farms."

That framework was subsequently embedded in the dairy section of the 2012 Farm Bill which passed the Senate on June 21, 2012 by a bipartisan vote of 64 to 35. The bill overall was estimated to save taxpayers \$23 billion over 10 years. Summing up his

role in the negotiations, Cap Times columnist Margaret Krome wrote: “Sen. Herb Kohl showed it’s possible to exercise fiscal restraint while advancing a positive agenda, voting in the interests of Wisconsin’s agriculture.”

Dairy Promotion

Kohl’s persistent and ultimately successful efforts to straighten out the inefficient and unfair market for dairy products garnered headlines and attention. But while he waged these very public battles, he also worked quietly to make sure Wisconsin farmers had every advantage in marketing their goods.

Shortly after taking office, Kohl began to look into concerns that the milk from cows treated with Bovine Growth Hormone (BGH), also known as Bovine somatotropin (BST) -- a hormone injected into dairy herds to increase production – might increase consumers’ risks of developing cancer. “This was primarily a health issue, but it also had an impact on dairy sales,” Kohl recalls. “Consumers deserved good information on the milk they were buying for their families – and farmers needed a clear way to market and sell the product consumers wanted, which increasingly was BGH-free milk.”

In 1989, Kohl first involved the FDA in the issue, calling on them to seek an independent analysis of human safety data prior to approval of products using BGH. That same year, he successfully urged the University of Wisconsin-Madison not to allow

With more outlets for raw milk including 1,200 licensed cheesemakers and over 200 dairy processing facilities producing cheese and other dairy products; Wisconsin’s dairy business climate is incredibly strong, with an infrastructure unmatched world-wide.

State milk production, in excess of 24 billion pounds, is second in the U.S. and 13 percent of the nation’s milk supply. Wisconsin’s world-renowned cheese industry uses more than 90 percent of Wisconsin’s fresh milk, producing more than 2 billion pounds of cheese as the nation’s top cheese state. Wisconsin milk is crafted into over 600 different varieties, types and styles of cheese and state cheesemakers have earned more competitive awards than other state.

The number of processing facilities continues to grow as Wisconsin has welcomed 6 new specialty dairy plant openings and another 14 major expansions in the past year. In total, 43 new processing plants have opened and more than 92 have expanded since 2004.

Wisconsin’s mailbox milk prices (reported monthly by USDA) consistently exceed mailbox prices in Western and Southwestern states. Plus Wisconsin meets or exceeds the mailbox milk prices throughout the Midwest. Solid competition for milk, a constant demand for more milk, and premiums for high quality, high solids milk make Wisconsin a reliable market to invest in modern dairy production.

***“Welcome to Wisconsin”
Wisconsin Department of Agriculture,
Trade and Consumer Protection***

commercial sale of BST herds prior to the results of the independent analysis of FDA data. With the election of Sen. Russ Feingold as the junior Senator from Wisconsin in 1993, Kohl gained a staunch ally in his efforts, and today, shoppers can find clearly labeled, BGH-free milk in almost any grocery store.

In the 1990s, Kohl worked to make sure that the government-sponsored, but farmer-funded National Dairy Promotion Board's advertising efforts were directed by dairy farmer's themselves - and not the Secretary of Agriculture or large cooperatives using bloc voting to influence the agenda. Kohl also was a long-time advocate of the University of Wisconsin Extension's Dairy Industry Revitalization Program that provides support and mentoring to beginning dairy farmers, dairy modernization summits, design and management options for low-cost retrofit milking parlors, and other similar business development activities.

Kohl explains: "Dairy farming is an integral part of Wisconsin's identity -- a way of life for so many of our citizens and a touchstone for so many more. But if the industry is to survive and thrive, we must never forget that it is also a business. And as such, part of my job is to make sure our dairy farmers have the tools they need to innovate and stay competitive in a changing, growing, and international market."

The shining example of Kohl's approach is the Dairy Value Added Initiative developed to help restore and reinvigorate Wisconsin's dairy sector through modernization of dairy farms, increased production of higher-value products, increased recognition of Wisconsin's dairy products in consumer markets, enhanced supply chain management and innovative dairy partnerships. Collaborators in this effort include the non-profit Dairy Business Innovation Center, the University of Wisconsin, Extension Service, Wisconsin Milk Marketing Board, Wisconsin State Department of Commerce, and the Wisconsin Technical College System.

Kohl's initiative took shape in the Dairy Business Innovation Center. A September 2012 article in the Milwaukee Journal Sentinel describes its impressive record: "Since its launch eight years ago, the Dairy Business Innovation Center and its team of 20 consultants have assisted more than 200 dairy entrepreneurs, coordinated more than 120 projects to increase market share for Wisconsin dairy products and assisted with seven plant relocations...The center contributed to 43 new dairy processing plants opening in Wisconsin, and another 92 expanding operations in the past eight years. Wisconsin today produces 552 million pounds of specialty cheeses -

double the amount produced 10 years ago and 21% of the state's total cheese production. A record 90 of the state's 129 cheese plants craft at least one type of specialty cheese - up from 77 plants five years ago.

“Sixty-four cheese plants have opened since the Dairy Business Innovation Center started, and 43 cheese varieties have been developed. There also has been a \$1.2 billion reinvestment in Wisconsin cheese plants, and Wisconsin cheeses continue to win the bulk of competition awards.”

Says Kohl: “What I liked about this program was that it didn’t just hand out money to support businesses that were struggling to compete with the huge cheese processors out West. Instead, we helped these small dairies transition to a much more lucrative market – the one for artisan cheeses – where they could increase their margins while continuing to do what families in Wisconsin have done for generations: make great cheese.”

Wisconsin Cheeses are recognized for their excellence in national and international competitions throughout the year. Recently, Wisconsin Cheeses celebrated an unprecedented achievement at the Judging and Competition of the American Cheese Society. Extra Aged Pleasant Ridge Reserve captured the Best of Show ribbon, marking the third time Pleasant Ridge has earned this top award, the only cheese in the history of the judging to do so. In fact, no other cheese has earned it twice! And the success didn't stop there – Wisconsin captured one-third of all awards, earning 98 ribbons.

Wisconsin Milk Marketing Board website

Research

In a 2001 Senate Agriculture Appropriations Subcommittee hearing, Kohl explained his criteria for funding dairy research projects: he was not interested in theoretical flights of fancy, but wanted to promote studies that “provide farmers with tools which can help raise farm income and help farmers withstand the misfortunes of nature and disrupted markets.”

One of the most devastating “misfortunes of nature” for the dairy farmer is Johne’s disease, an incurable bacterial disease of the intestinal tract that has affected dairy herds in Wisconsin and throughout the country. Kohl has over many years

directed funds to WI DATCP to research ways to prevent the disease. And Kohl developed a program for cattle owners to voluntarily test their animals for the disease.

Jerry Kozak, President and CEO of the National Milk Producers Federation, explains the importance of the latter measure: "Johne's disease is a persistent problem for the cattle industry, and although many states have various education and testing programs, the federal government has yet to create a program providing some minimal national guidelines for dairy producers. This legislation would provide a framework to get the U.S. Department of Agriculture involved in working with state veterinary officials, and ultimately farmers, in dealing with Johne's disease."

Kohl also turned his attention to helping dairy farmers use their lands in the most efficient and sustainable manner. He long championed the USDA Agriculture Research Service Dairy Forage Research Center. Headquartered on the campus of University of Wisconsin-Madison and with field offices in Prairie du Sac and Marshfield, the center's mission is to "develop knowledge and tools to enhance sustainable and competitive dairy forage systems that protect the environment, promote animal health, and ensure a safe, healthy food supply."

At the U.S. Dairy Forage Research center we are:

- 1. Designing forages that lose less protein when harvested and stored;*
- 2. improving methods for harvesting and storing forages to capture and retain more nutrients;*
- 3. determining how the cow best utilizes those valuable nutrients in forages;*
- 4. reducing the amount of nutrients, such as nitrogen and phosphorous, that are lost to the environment;*
- 5. Transferring our knowledge of forages and ruminal fermentation to the emerging bioenergy field.*

USDA Agricultural Research Service

And he sponsored studies to help Wisconsin farmers understand their opportunities in markets in emerging economies, like China and India, where demand for U.S. food products is increasing. The University of Wisconsin-Madison Department of Agriculture and Applied Economics Food System Research Group studies the best

ways for agricultural producers, large and small, to enter foreign markets. And the University of Wisconsin Babcock Institute for International Dairy Research and Development states as its mission “to link the dairy industry of Wisconsin and the United States with dairy industries around the world to improve the quality of life and foster market development. We seek to transform emerging dairy industries and strengthen the US dairy industry through international partnership, training, and research.”

“The academic side of agriculture may seem dry to some,” remarks Kohl. “But it is difficult to overstate how important the best information about diseases, grazing methods, and market conditions is to successful dairying.”

“After my father died, people would tell stories about how, during the Great Depression, he gave them food from the store when they couldn’t afford to pay. If he had food on the shelves, he couldn’t stand to see someone else go hungry, especially a child. I feel exactly the same way.”

Herb Kohl

Ending Hunger

On March 16, 2000, Senator Kohl traveled to Nicolet Elementary School in Green Bay Wisconsin to chair a field hearing on hunger in Wisconsin. In his opening statement, he said:

“I and you would be disappointed and ill-served if today's event was just a chance for some of us to give a speech. Instead I want to tell you briefly what we are going to do to address the concerns that you have come today to raise.

“We are committing to you today to bring to communities like Green Bay more food and resources to feed the hungry and to bring children everywhere more opportunities to get a decent meal...Number 1, we will work to pass legislation to increase the participation in the programs that provide hot lunches to low-income small children in childcare centers and family daycare homes. Number 2, we will work to pass legislation to authorize and provide funding for a program giving incentives to schools to start a school breakfast program. Wisconsin unfortunately is last in the nation in provision of a healthy breakfast to its hungry students and we are going to turn that figure around.

Senator, on behalf of all of us in Green Bay who deal with these issues, please accept our deep and sincere thanks for coming here today...Please know that we all recognize and appreciate the important work you are doing in Washington on behalf of the less fortunate children and families in our community.

Brett Bicoy, Brown County Community Foundation

March 16, 2000

“ Number 3, we will work to expand our current after-school feeding programs by encouraging sponsors to serve snacks for children between the ages of 13 and 18...

“And number 4, current law keeps Wisconsin from participating in ...a program that provides supplemental food to women, infants, children and the elderly. We will work to change that law, bring Wisconsin into the program, and fight for more resources to get this surplus food into our communities....I promise to keep our meeting here brief so we can all get back to the work we do and need to do to make sure every child in Wisconsin starts the day well fed and ready to learn.”

“It was classic Herb Kohl,” remembers Galen Fountain, Kohl’s long time clerk on the Senate Committee on Appropriations Subcommittee on Agriculture. “Most politicians use field hearings to get a couple pictures in the local papers. But Senator Kohl wouldn’t even let us get on the plane to go staff the hearing until we could tell him exactly what he could do to solve the problems his constituents were showing up to talk about. So we put together a list of four, substantive reforms, and I’ll be damned if he didn’t get every single one done.”

School Breakfast

“One of my colleagues used to tell a story about an elementary teacher he knew,” remembers Senator Kohl. “Once day, that teacher was lecturing the class on starting the day with a healthy breakfast. He asked for a show of hands: ‘How many ate a big breakfast that

Whereas in fiscal year 2009, approximately 9,100,000 low-income children in the United States consumed free or reduced price school breakfasts on an average school day;

Whereas for every 100 children receiving free and reduced price lunches, approximately 47 children receive free and reduced price breakfasts;

Whereas the current economic situation (including the increase in families living below the poverty line) is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas studies have shown that access to nutritious meals under the school lunch program and the school breakfast program helps to create a strong learning environment for children and helps to improve the concentration of children in the classroom [and] to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas studies suggest that children who eat breakfasts have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6 [and] eat more fruits, drink more milk, and consume less saturated fat than children who do not eat breakfast;

Be it resolved that the Senate... recognizes the importance of the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the overall positive impact of the program on the lives of low-income children and families, as well as the effect of the program on helping to improve the overall classroom performance of a child

I want to thank you publicly, Senator Kohl, for your steadfast, enthusiastic and sincere commitment to solving those problems of hunger in our communities and around the country. You've been a true friend of the programs on the Hill, especially the school breakfast program. We are so grateful for your ongoing support...

**Shirley Watkins, Under Secretary for Food, Nutrition and Consumer Services, U.S. Department of Agriculture
March 16, 2000**

morning?' Fifteen kids raised their hands. 'How many had any breakfast?' Five more hands shot up."

"'What about the rest of you?' the teacher asked. 'Why wouldn't you have a good breakfast when you know how important it is?' One small girl slowly raised her hand and answered: 'It wasn't my turn.'"

"That story breaks my heart," Kohl says. "But more than that, it makes me angry. We are a rich country, even in these hard times. No child should ever have to wait for a turn to eat."

In 1999, the Food Research and Action Center released a School Breakfast Scorecard that focused Kohl's outrage over child hunger in America. While the report showed that a record number of schools across the nation were offering school breakfasts – 80 percent of those that also offered school lunch – Wisconsin had the worst record in the country with

only 30 percent of its schools serving students a meal in the morning.

"That just didn't reflect the Wisconsin I know," remembers Kohl. "We care about our kids deeply. Something else had to be going on."

Kohl set out to find out what that was, questioning teachers, parents, school officials, and state representatives. "Everyone wanted to make a breakfast program available," says Kohl. "But for many the start-up costs were daunting – altered bus schedules, new equipment, extra staff and supplies."

In November of 1999, Kohl introduced S.1958, legislation to Improve Participation in the School Breakfast Program, a bill that offered incentives and technical assistance to schools wanting to start a breakfast program. The next year, using his seat on the Senate Appropriations Committee, Kohl launched a demonstration

program in Wisconsin to test whether, with some help at the front end, schools could soon make school breakfast as prevalent as school lunch.

The idea worked. Over the next four years, Kohl's school breakfast start-up grants allowed hundreds of Wisconsin schools to begin or expand school breakfast programs. By 2007, the Food Research and Action Center singled out Wisconsin as the "most improved" state in that year's School Breakfast Scorecard, first among the 45 states that had increased the number of children getting breakfast before school. The latest edition of that report again highlights Wisconsin's efforts, listing it as one of only five states that saw double digit growth in the number of low-income children receiving school breakfast. Today, on average, almost 163,000 Wisconsin kids will start their day with a healthy breakfast at school.

Does feeding kids breakfast help? Schools participating in the breakfast program reported a decrease in the number of students visiting the school nurse for headaches and stomach aches that one could assume stem from hunger. Feeding students offers them one less thing to worry about. If they are not worrying about being hungry, maybe they can focus on their subjects.

**"Don't Skip This Meal," Milwaukee Journal Sentinel
December 8, 2009**

In 2003, buoyed by the success of the school breakfast demonstration program in Wisconsin, Kohl was ready to take his idea to the whole nation. As part of his comprehensive child nutrition initiative, he introduced S.1020, the School Breakfast Improvement Act of 2003, creating school breakfast start-up and expansion grants for which any state could compete.

Said Kohl at the time of the bill's introduction: "As a society, we cannot sit idly by as so many of our nation's children go hungry every day...We must face this challenge with the understanding that widespread hunger deprives so many of so much - not simply food, but the capacity to learn, grow, and live full and enriched lives."

S.1020 was signed into law June 30, 2004 as part of the Child Nutrition and WIC Reauthorization Act

Days after Senator Kohl introduced his initiative to stem child hunger in the United States, 47 national and 16 Wisconsin organizations called on Congress to pass Kohl's bills. These groups included:

• Food Research and Action Center

• America's Second Harvest

• Congressional Hunger Center

• American Dietetic Association

• American Association of School Administrators

• National Education Association

• Green Bay Area Public Schools Food Service Department

• Hunger Task Force of Milwaukee

• Wisconsin CACFP Association

Congress again took up child nutrition programs in 2007, and again Kohl was ready with legislation that year (S.2143) and in 2009 (S.1480) to expand the number of schools participating in the breakfast start-up grant program he had created. When Congress finally agreed on the Healthy, Hunger Free Kid Act on December 13, 2010, Kohl's mark was once more on the school breakfast sections.

The Child and Adult Care Feeding Program

Though perhaps his most known accomplishment relating to child nutrition, expanding school breakfast was not the first initiative Kohl mentioned at his Green Bay hearing on child hunger in 2000. Working to "pass legislation to increase the participation in the programs that provide hot lunches to low-income small children in childcare centers and family daycare homes" was number one on the list that day.

Through USDA's Child and Adult Care Feeding Program (or "CACFP"), certified day care and after school providers are reimbursed for the healthy meals and snacks they provide their charges ages 12 and under if at least 25 percent of the children are low income. CACFP not only provides extra income to fund food purchases; it also trains participating providers in nutrition and healthy cooking, inspects facilities, and educates parents. These activities, as much as the food subsidies, help ensure that even the smallest or in-house child care providers know how to serve nourishing meals and have the financial means to do so.

"The challenge of seeing that children in

child or after school care eat right is immense,” states Kohl. “The school lunch and breakfast programs are carried out in our school systems, so the infrastructure is in place to deliver healthy meals. But for day care, providers are all over the place – in centers, sure, but also at churches, in houses, even in homeless shelters. Yet these kids, especially the youngest ones, need regular, nutritious meals too.”

Though the legislation creating CACFP was in place in 2000, a technical glitch meant that fewer and fewer day care and afterschool programs qualified to participate – even those serving 100 percent low income children. Kohl set out to fix the problem. Speaking before the National Child Care Association, he said “The goals of this child nutrition program are so important and so right that it is worth our every effort to make this program work.”

Can it be that thousands of children living in the capital city of the strongest, and one of the richest, nations on earth are going hungry this summer? It can... Today, there are children in the District whose only consistent meal is the one they receive in federally funded summer feeding programs. These children still go hungry because they don't get enough to eat at home. They are kids that show up for summer programs at 8 a.m. with only the clothes on their back and hunger pangs. It is a state of affairs that should shame the city and the nation.

**“Hunger in the Nation’s Capital,”
Washington Post
July 17, 2002**

“What we needed to do was get a bill passed to fix the problem,” remembers Kate Sparks, Kohl’s legislative director at the time. “Of course, that wasn’t going to happen overnight, but try explaining that to Senator Kohl. He’s not a patient man when he sees kids suffering.”

Kohl’s first move was to work directly with the states to find ways around the glitch. Then in 2001, he was able to add an amendment to the budget that permanently fixed the problem. But he didn’t stop there.

In May of 2003, as part of the same comprehensive child nutrition initiative that contained Kohl’s legislation expanding the school breakfast pilot program, he offered S.1022, the Child and Adult Care Food Program Improvements Act of 2003. His bill made more centers eligible for CACFP and created a program to allow emergency shelters to provide dinner up to the age of 18 (instead of 12 in the law at the time). In

A Sample of Awards received by Senator Kohl in recognition for his work on hunger and child nutrition:

- **Hero, National Child Care**
- **Leadership Award, National Association of Farmers Market Nutrition Programs, 2001**
- **Leadership Award, National Association of Women, Infants, and Children's Program, 2002**
- **Distinguished Service Award, Food Research and Action Center, 2003**
- **Leadership Award, Family Services of Northeastern Wisconsin, 2004**
- **Inaugural Best of Congress Award, Working Mother, 2007-2008**
- **Friend of Children, Wisconsin School Psychologists, 20a09**
- **Mickey Leland Hunger Leader award, Congressional Hunger Center, 2009**
- **Best of Congress Award, Working Mother, 2009-2010**
- **Best of Congress Award, Working Mother, 2011-2012**
- **Giraffe Award, Wisconsin Council on Children and Families, 2012**
- **Star Advocate, School Nutrition Association of Wisconsin, 2012**

June of 2004, when President Bush signed the Child Nutrition and WIC Reauthorization Act of 2004 into law, again Kohl's reforms were in the final product.

Almost ten years after the Green Bay hearing, Senator Kohl continued to work on the plans for CACFP he articulated there. In 2009, he succeeded in getting Wisconsin added to the list of the states eligible to provide supper benefits under CACFP for all children under 18, a move that meant 18,000 more teens a day in Wisconsin would be fed a healthy evening meal.

Said Sherrie Tussler, executive director of the Hunger Task Force of Milwaukee: "With so many children in need, it is more important than ever to find ways to provide three meals a day. Kids growing up in this economic climate face plenty of challenges, but now going to bed hungry doesn't have to be one of them. Thanks to Senator Kohl for his leadership securing the supper waiver for school aged children in our state."

Summer Food Service Program

"There are kids in every state in this nation who dread the end of the school year," Senator Kohl remarks. "While their classmates may be dreaming about lazy days at the beach or the ball park, thousands of American children are instead dreading losing perhaps the only meal they get each day - from their school lunch or breakfast program.

As Kohl became more involved with the

school breakfast program and the CACFP, he saw firsthand how important those meals were to low-income kids. “One year, we travelled around Wisconsin, trying to eat lunch at as many schools as we could,” Kohl remembers. “It was a lot of fun, but heartbreaking too, especially if we showed up on a Monday. The way some kids would tear into that meal, you just knew it was the first thing they had had to eat in a long time, maybe all weekend.”

Kohl’s experiences visiting Wisconsin schools turned him into a fierce advocate of the summer food service program. He honed in on a pilot project developed by Indiana Senator Richard Lugar: the Simplified Summer Food Program. Like Kohl’s school breakfast start-up grants, the Simplified Summer Food Program made it easier for sites to sign up to offer meals to children.

“Senator Kohl never thought the only answer to a problem was to throw money at it,” recalls Paul Bock, Kohl’s former chief of staff and a key participant in staff negotiations over the Summer Food Program. “He wanted to get organizations the funds they needed to set up summer feeding sites, sure, but he also wanted to make certain they weren’t discouraged by unnecessary paperwork and bureaucracy.”

In 2002, Kohl used his position as

The issue of hunger in America has been of concern to me for many years. As Chairman of the Senate Agriculture Appropriations subcommittee, I have been uniquely positioned to address hunger at all stages of life. Each year I work to increase federal funding for healthy babies through the Women, Infants and Children Program, also known as WIC; for growing children through school breakfast programs; and—most relevant to today’s hearing—for older Americans through the Commodity Supplemental Food Program, which provides a modest box of grocery staples every month to 440,000 low-income elderly Americans.

Federal programs like the Commodity Supplemental Food Program and the Elderly Nutrition Program, as well as non-profit organizations such as Meals on Wheels, make a huge impact by delivering food directly to seniors in their own homes. The Food Stamp program is another valuable federal program, although estimates show that it is under-utilized: only one in three eligible seniors actually enroll in the food stamp program. In spite of the fact that these programs and services cover only a fraction of the low-income seniors who need them, we continue to face a yearly battle with the administration to provide these programs with adequate funding.

As we will hear today, over 5 million seniors experience some form of food insecurity. Of these, 2.5 million are at-risk of hunger and 750,000 suffer from hunger due to poverty. The experience of these American seniors—who often must forego food in order to pay bills, buy medicine, or feed a family member—is unimaginable to most of us in this room today.

Opening Statement of Senator Herb Kohl Special Committee on Aging Hearing “Seniors Going Hungry in America: A Call to Action and Warning for the Future”

Benefits Received by WIC Participants

All participants receive:

- Screening for nutrition and health needs.
- Information on how to use WIC foods to improve health.
- Checks to buy foods that help keep you and your children healthy and strong.
- Referrals to doctors, dentists, and programs like FoodShare, Medicaid, BadgerCare Plus, Wisconsin Works (W-2) and Head Start.

Women receive:

- WIC foods.
- Information on healthy eating during pregnancy and breastfeeding.
- Help with starting or continuing breastfeeding.

Infants receive:

- Help with starting or continuing breastfeeding.
- Infant formula, if needed.
- Immunization referrals.
- Parents/caregivers receive information on taking care of babies.

Children receive:

- WIC foods.
- Immunization referrals.
- Parents/caregivers receive information on food shopping, recipes and feeding a child.

Health benefits of WIC:

- Premature births reduced.
- Low birth-weight reduced.
- Long-term medical expenses reduced.

chairman of the Senate Agriculture Appropriations Subcommittee to expand the Simplified Summer Food Program pilot in the budget, a decision the Republican Senate reversed when they took over in 2003. Kohl was furious, taking to the floor to decry the decision: "These bipartisan programs are important to the well-being of our low-income and rural children and should not be candidates for the chopping block."

Later that year, Kohl made expansion of the Simplified Summer Food Program pilot the third prong of his initiative to combat child hunger with S. 1021, the Summer Food Service Program Improvement Act of 2003. Like his bills on school breakfast and the CACFP, S. 1021 became law with the Child Nutrition and WIC Reauthorization Act in 2004. And, as with school breakfast and the CACFP, Kohl's involvement with the Summer Food Program did not end with the passage of his legislation. In October of 2005, he was able to announce that the pilot had been expanded from 13 to 20 states and that Wisconsin was one of the seven states newly admitted. By 2008, all fifty states could participate in the Simplified Summer Food Program.

CSFP and WIC

As the final action item raised at his 2000 Green Bay hearing, Senator

Kohl vowed to bring Wisconsin into the Commodity Supplemental Food Program and “fight for more resources to get this surplus food into our communities.”

USDA runs CSFP through state and volunteer agencies that distribute a monthly package of healthy foods, many procured from the nation’s stocks of surplus commodities, to low income individuals. Though originally designed to serve participants in the Special Supplemental Nutrition Program for Women, Infants and Children, commonly known as “WIC,” today 97 percent of CSFP beneficiaries are low income senior citizens.

“It makes sense for them,” Kohl points out. “CSFP delivers the food to their homes and familiar places like senior centers; it is not like food stamps, which many seniors are too proud to sign up for. There’s no complicated paperwork, and they don’t have to go to the store and pick out qualifying foods. Their package is put together for them, designed to stretch their grocery budget for the month.”

“Plus it is a good deal for the government. We are already buying the commodities under our price support programs. Why shouldn’t we use them to help out seniors who might otherwise go hungry?”

Good to his word, Kohl used his position on the Agricultural Appropriations Subcommittee to make sure the CSFP was fully funded, despite vigorous opposition during the years when the Republicans controlled the White House. Year after year, Kohl would grill different cabinet officials about their plans to cut drastically or eliminate the program. His frustration boiled over in a 2006 interview with the Associated Press: “It really does come under the category, in the most extreme way, of balancing the budget on the backs of those who are most needy. And in this case, we’re not even balancing the budget.”

So, year after year, Kohl would lead the charge to restore the funds the CSFP needed to deliver healthy, even life saving, food packages to up to 500,000 seniors each month. “This has never been a partisan issue, even though my annual dust up with the previous Administration makes it look that way,” he states. “We would have never had the success we did -- through Democratic, Republican, and split Congresses -- if there hadn’t been quite a few Republican Senators who felt as strongly as I did about the CSFP.”

Kohl faced similar White House opposition to, and gathered a similarly bipartisan band of supporters for, WIC, which provides vouchers for nutritious food to poor pregnant and breast feeding women and their children to the age of 5. According to the USDA, WIC currently feeds 53 percent of all infants born in the United States.

“Like the CSFP, WIC makes sense, from both a humanitarian perspective and a budget perspective,” argues Kohl. “It is cost effective. When mothers eat right during pregnancy, they are more likely to have a full term, healthy baby. When those babies are fed nutritious food, they are more likely to thrive. All of that adds up to measurable decreases in Medicaid expenses.”

This was a point Kohl would make again and again during debate on the Senate’s Agricultural Appropriations bill. By 2007, Kohl was so frustrated with the Administration low-balling in its budget estimates of the number of eligible WIC participants and food prices, he authored a provision, which became law, requiring monthly accounts of WIC’s ongoing costs from USDA.

When, in 2008, Secretary of Agriculture Ed Schafer again proposed a budget with an insufficient increase for WIC - and without the monthly cost estimates required by law - Kohl blew up, calling the proposal “detached from reality.”

“It would be difficult to fathom, given current economic trends, that the administration realistically believes an increase of \$80 million is an appropriate amount...Outside estimates show that the WIC level requested in the budget is at least \$400 million below the amount necessary to fully fund participation...It would be difficult to overstate the seriousness with which I view this issue.”

There is no finer investment for any community than putting milk into babies.

Sir Winston Churchill

If there were any doubts about Kohl’s commitment to WIC left after that exchange, they were laid to rest a few months later when the full Senate Appropriations Committee reported their budget for the year. Partnering with Republican and staunch conservative Robert Bennett of Utah, Kohl secured a funding level for WIC more than

double what the administration had proposed and adequate to cover all those in need – a number that had shot up with the growing recession. Kohl expressed satisfaction, and relief, that a bipartisan coalition had again been able to balance scarce federal funding with “the nutrition needs of our most helpless citizens.”

“Since then, it has been easier to win approval for sufficient WIC funding, though some of that may be due to the changes at the White House,” admits Kohl. “But I like to think we have had some success convincing Washington that fighting hunger, especially among pregnant women, new mothers, and children, is a worthy investment.”

Hunger Task Force of Milwaukee

Senator Kohl never shied away from taking on national issues, and his decades championing school breakfast, summer feeding programs, CACFP, CSFP, and WIC clearly demonstrate that. But he never forgot who sent him to the Senate and never failed to tie his national campaigns back to the interests of Wisconsin.

Nowhere is that more evident than in Kohl’s long partnership with the Hunger Task Force of Milwaukee. Through a broad network of food pantries, homeless shelters, and soup kitchens, the task force has fought hunger in Milwaukee and beyond since 1974. Kohl and the task force have worked together on everything from the child nutrition bills in 2004 and 2010 to the waiver that allowed

In February, Agriculture Department officials said a one- month pilot program under which surplus non-fat dry milk went to the Waupun-based Alto Dairy Cooperative, in exchange for cheese for the needy in Milwaukee County, could not continue.

Uncle Sam sits on 961 million pounds of surplus dry milk, doling some of it out to feed cattle, buffalo, sheep and goats...The irony of which mouths were being fed by the feds led the [Hunger Task Force] to craft a battle cry – “Kids, not cows” – and seek help from Wisconsin Senator Herb Kohl.

Veneman, addressing Kohl at a Senate hearing Thursday, publically relented for the first time, saying the pilot could continue for a year...

In an interview later, Kohl said that previous [discussions] with the Agriculture Department...yielded one answer – “No.” So he appealed to Veneman in a phone call.

“You reach one person, talk to them and in 24 hours they can literally change a ‘No’ to a ‘Yes.’ I don’t know who she talked to. I don’t know if she spoke to the White House. (But) it is really good stuff. That kind of stuff doesn’t happen every day around here. It is really to everybody’s credit that we were able to get something done overnight in this town.”

***“Cheesehead persuasion pays off for the city food bank – and the poor”
Milwaukee Journal Sentinel
March 25, 2004***

18,000 additional Wisconsin teens to participate in the CACFP supper program to the implementation of the Kohl school breakfast pilot program.

But the battle that cemented their relationship was over an innovative pilot program through which the Hunger Task Force turned surplus nonfat dry milk into Wisconsin-made mozzarella cheese to distribute to needy families through its food pantries. "The program was a big hit," Kohl remembers. "People – and especially kids – would much rather get cheese, and especially Wisconsin cheese, than drink powdered nonfat milk."

In 2003, Kohl got USDA to agree to work with the Hunger Task Force on the pilot. But early in 2004, the USDA told Kohl they did not intend to extend the program. He immediately started working the phones.

Kohl's agriculture aides also got involved, contacting every department official they could reach to impress on them how serious Kohl was. "He made it quite clear that he wanted Secretary Veneman to have an answer for him at our March 25th hearing in the Appropriations Committee – and that that answer better be 'yes,'" remembers Kohl clerk Galen Fountain.

Veneman appeared at the hearing and told Kohl that USDA would extend the pilot another year, a victory for the Hunger Task Force that Kohl called one of the quickest turnarounds on an issue that he had experienced since coming to Washington.

"I was surprised at the time, but in retrospect, it makes sense. Here is one of the biggest issues USDA handles – hunger – and a cost-effective and successful pilot program combating it. The answer should have been 'yes' all along."

Let us hope ... that by the best cultivation of the physical world, beneath and around us, and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness.

President Abraham Lincoln to the Wisconsin State Agricultural Society, 1859; Milwaukee, Wisconsin

Wisconsin's Farmlands

To many people around the country, Wisconsin is known only as America's Dairyland, and who can blame them? We have dairy farms pictured on every license plate and sitting just around every corner. Yet the fabric of Wisconsin's countryside is woven from threads of all manner of family farms producing milk, of course, but also a whole basket of other commodities, from cranberries to beets, pork to potatoes, beef to blueberries. According to research done by the University of Wisconsin-Cooperative Extension, Wisconsin's farms and agricultural businesses generate more than \$59.6 billion in economic activity and provide jobs for more than 350,000 people throughout the state.

In 1994, Kohl reflected on his rural constituents: "In the years ahead, Wisconsin farmers will face new and unpredictable challenges. I have no doubt our farmers will meet them with ingenuity, initiative, and intensity. They always have. They always will. But when Mother Nature wreaks havoc on them...or their government does something dumb... I hope Wisconsin farmers will never hesitate to send off that S.O.S. signal. And I will do my best to help. It's the part of my job that I love the best."

Senator Herb Kohl showed it's possible to exercise fiscal restraint while advancing a positive agenda, voting in the interests of Wisconsin's agriculture... He voted for beginning farmers, sound research, conservation, responsible limits to farm payments, and rural economic development.

**Margaret Krome, Michael Fields Agricultural Institute
"Johnson Dismays, Kohl Delights on Farm Bill", The Cap Times, July 4, 2012**

Family Farm

When Kohl took office in 1989, he rightly understood that Wisconsin's most vital business was the family farm. Shortly after arriving in Washington, he was appointed to the Senate Rural Development Task Force. Kohl wasted no time in using this visible position to serve Wisconsin's farms and the families who operate them. In the Agriculture Appropriations Act of 1990, Kohl was able to secure an increase of \$300 million in rural development programs from the previous fiscal year.

From early on, Kohl understood that access to affordable and quality healthcare is essential to the wellbeing of rural communities. "Finding answers in the laboratory is critical to our nation's health. But it's even more important that the results of that research reach the public," Kohl said in 1994.

Shortly after entering office in 1989, Kohl introduced S. 921, the Rural Health Improvement Act, designed to up reimbursement rates for rural hospitals so they could more easily provide Medicare services. Although Kohl's legislation was never passed as a standalone bill, he worked tirelessly to include significant portions in the Omnibus Budget Reconciliation Act of 1989. As a result, seven rural hospitals throughout Wisconsin increased the number of Medicare recipients they served.

An effective American farm policy demands "reasonable" federal economic assistance for farmers, U.S. Sen. Herb Kohl told board members at an annual meeting of Farm Credit Services at Hotel Mead Tuesday. The farm cooperative offers financial services to its members.

Kohl said that without federal assistance, as many as one-third to one-half of America's farmers may go out of business in the next decade. "I'd hate to see a policy where that would happen," he said. "I can't see where that would be good. I'm troubled with that Darwinian philosophy."

As part of the U.S. government's "Freedom to Farm" program, lawmakers gradually have tried over the last few years to "eliminate almost all federal assistance to farmers, but that just hasn't worked," Kohl said. To compete in a world marketplace where other governments offer financial help to domestic agricultural industries, America must do the same, he said.

Kohl's message was well received by Robert Prah, a Marathon County town of Wausau dairy farmer raising 70 cows on about 250 acres.

"He's attentive to the needs of Wisconsin agriculture," Prah said.

"It's not just what he gets for us but what he prevents from happening to us that's important," he said. "... It says something that he would come to Wisconsin Rapids to talk to less than 100 people about the problems and challenges of agriculture."

***"Kohl Fights for Farm Help"
The Daily Journal, Wisconsin Rapids
January 9, 2002***

During his 23 years in the United States Senate, Herb's invaluable perspective as the long-time head of a family-owned business made him an unwavering voice for working families [and] small business owners... Herb's dedication to American families and businesses remains evident today in the robust farming ... sector he helped foster in his home state of Wisconsin.

**President Barack Obama
May 14, 2011**

Crops

“Healthy farmers are clearly vital to our rural communities,” says Kohl, “but equally so are healthy crops.” As a member of the Senate

Committee on Appropriations since 1992, and later as the Chairman of the Senate Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Kohl has been in an excellent position to make sure Wisconsin remains a leader in the production of a wide array of agricultural outputs.

“It is often easy to take for granted the food that we find on the store shelves, without understanding the effort, skill, and risk necessary to produce that food. Since I’ve been in the Senate, I have sought to address the needs of Wisconsin’s farmers from a businessman’s perspective,” said Kohl in 1994.

In 1989, Wisconsin cranberry growers produced slightly more than 1.5 million barrels of cranberries. Today, Wisconsin harvests 4.5 million barrels of cranberries, more than 50% of the U.S. cranberry crop. During a tour of an Ocean Spray facility in Wisconsin Rapids in August 2011, Kohl remarked, “Wisconsin cranberry growers are second to none, not only for their productivity but also for their innovation and investment.”

Kohl has been an integral part of this crops growth and success in Wisconsin. He has championed the UW Extension’s cranberry-related activities, which operate to improve water quality and conservation practices among Wisconsin’s cranberry growers. He also secured support for the University of Wisconsin Conservation Technology Transfer program, which reaches out to farmers to ensure they have access to the most efficient conservation strategies.

As a result of these efforts and the natural skill of the Wisconsin cranberry farmers, production skyrocketed – so much so, in fact, that overproduction has recently

The Senator has been a long time supporter of agriculture and cranberry growing in particular. He has been a great friend of the industry, a true leader and gentleman. The State growers and the US Senate will miss him and his leadership.

Tom Lochner
Wisconsin State Cranberry Growers Association
December 18, 2012

become an issue. In March 2011, after two record cranberry seasons, prices began to fall putting producers at risk. Kohl and other members of Congress took action, sending a letter to the USDA urging them to purchase the surplus crop. Wrote Kohl in April of 2010: "Wisconsin is the leading producer of cranberries in the nation and cranberry farmers are struggling to cope with low prices due to surplus inventories. This purchase will help

eliminate cranberry inventories while supplying healthy foods for federal food and nutrition assistance programs." USDA agreed to intervene to stabilize the price.

While Wisconsin is no Idaho, it has always offered its fertile soils to the production of quality potatoes. Kohl has taken an interest in the potato farms of Wisconsin, securing continued funding for several key programs that have contributed to the long term sustainability of the industry. The University of Wisconsin-Extension Potato Pest Management Program combines university research with information from the Wisconsin Potato and Vegetable Growers Association to understand how to reduce the use of high-risk pesticides and improve niche marketing opportunities. Kohl has also supported the Potato Storage Research Program. Conducted at a USDA lab in Madison, WI, research done by this program helps determine plant physiology, fumigation, and other practices that help growers reduce pesticide inputs.

In 2011, the potato industry was in jeopardy of losing one of its major markets: the federal school meal programs. As part of a new initiative, USDA proposed to eliminate the potato from school meals altogether. In response, Kohl supported Senator Susan Collins' (R-ME) amendment to the FY2012 Agriculture appropriations bill in order to ensure that USDA continued serving potatoes in school lunches and breakfast. In response to Kohl's support, Collins said: "I am particularly appreciative of the efforts of the chairman of the Agriculture Subcommittee, Senator Kohl and [his] staff for their diligent work to move this legislation forward. Our efforts will go a long way in ensuring that schools can serve healthy meals that meet the nutritional needs of students in a way that fits their budgets."

State Meat Inspection

“Small organic and sustainable, multi-product family farms account for much of the renaissance Wisconsin is experiencing in agriculture these days,” says Kohl. And many of these small farms are selling meat and rely on smaller, state-inspected butchering facilities. Not only are these facilities closer to the farms, but I have heard from many producers that they trust these places much more than the often massive, USDA-inspected slaughterhouses.”

At a May 2006 Agriculture Appropriations hearing, Kohl questioned Secretary of Agriculture Mike Johanns regarding a USDA plan to reduce funding for state meat inspection programs. Wisconsin has more state-inspected meat processing plants than any other state in the nation. “The Administration’s priorities are misplaced in this case,” Kohl said. “On the one hand, they have broadened regulations to allow some big corporations to import processed meat from China. On the other hand, they are cutting back on support for Main Street meat processing plants subject to state inspection. It’s both illogical and unfair.”

Kohl correctly interpreted that the reduction in funding and longstanding ban of the interstate shipment of state inspected meats could spell disaster for small farmers and ranchers who live in Wisconsin and throughout the country. In June 2006, he took action, sponsoring the Agriculture Small Business Opportunity Enhancement Act of 2006 to overturn the ban on interstate shipments of meat. “State inspection programs have proven to be as thorough and safety-conscious as federal programs, so there is no reason to maintain this barrier to some of the outstanding Main Street businesses and entrepreneurs in Wisconsin whose markets are limited by current law,” Kohl said. Later that same year during debate of FY2007 Agriculture Appropriations, Kohl supported full funding for state meat inspection programs nationwide.

As the 2008 Farm Bill approached, Kohl had emerged as a major proponent of state meat inspection. When the Food, Conservation, and Energy Act of 2008 became law on May 22, 2008, Kohl’s efforts on the issue were evident. The bill contained a permanent change that would allow for state-inspected meat processors to expand their markets across state lines. Speaking of the inclusion in the Farm Bill, Kohl said, “I have traveled across the state and know firsthand that our people produce some incredible products. Our livestock producers and processors deserve more marketing options – and this bill achieves that in a way that actually strengthens food safety.”

Disaster Assistance

In June 2008 after months of heavy precipitation, severe storms led to equally severe flooding in the Midwest. Later that same month, Kohl spoke on a pending supplemental disaster assistance bill: “Congress has a responsibility to provide the resources needed to begin the long process of recovery for our states devastated by severe storms and floods. These funds will enable communities to repair the damage and farmers recover land.”

Kohl’s vocal support for that bill continued a career-long dedication to helping farmers whose livelihood was threatened by Mother Nature.

During his first year in office, Kohl organized a Wisconsin delegation letter to Secretary of Agriculture Clayton K. Yeutter urging USDA to allow haying on conservation acres during a period of little rain. In response he received assurances that USDA would adopt such a policy – and they did.

During the summer of 1993, the Mississippi and Missouri Rivers experienced flooding of historic proportions. As the waters began to recede that autumn, Kohl joined a coalition of Midwestern Senators fighting for flood disaster assistance for farmers. On December 3, 1993, the Hazard Mitigation and Relocation Assistance Act became public law and eventually provided more than \$12 billion in supplemental appropriations for victims of the floods.

In July 2010, southeastern Wisconsin was hit with severe weather. According to some reports, 7.5 inches of rain fell in two hours. Kohl, along with Senator Feingold (D-WI) and Representatives Ron Kind (D-WI), Gwen Moore (D-WI), and Jim Sensenbrenner (R-WI), repeatedly urged the president to declare Grant, Milwaukee, and Waukesha counties disaster areas. On October 21, their efforts paid off: the president agreed a major disaster had occurred in those counties, and all would receive public assistance. Months later another storm struck Wisconsin, this one bringing unprecedented cold weather. Kohl, along with other members of the Wisconsin delegation, wrote again to President Obama in support of the governor’s request for

After the '89 drought, I didn't have enough feed for my cattle. The USDA came through with emergency payments that enabled many farmers like myself to pull through. Herb Kohl was instrumental in making those payments possible. I know that Herb Kohl has fought hard for Wisconsin farmers. He's helping to keep our way of life alive.

**Roy Thieding
Dairy Farmer
Loganville, WI
1994**

federal assistance. On April 5 of that same year, a FEMA Federal Disaster Declaration was made for all Wisconsin counties in need.

“We have the technology and understanding to improve the health and safety of America’s meat, poultry, fruits, vegetables, and other foods. It is high time we do it.”

Herb Kohl

Healthy and Safe Food

On March 24, 2009, Senator Herb Kohl sent a letter to President Barack Obama thanking him for forming an interagency working group that would be focused on overhauling the nation’s food safety system. In the letter, Kohl detailed his long and tough fight to improve the health and safety of the food that American families eat. He wrote: “Only through very open and honest communication can we make sure that our foods and drugs are safe.”

He continued to lay out the challenges he faced during his time in office fighting to improve food quality and safety at the oversight hearings and briefings that he held both in Washington and Wisconsin to combat these challenges. He discussed the funds that he was able to secure for food safety agencies’ budgets – increases in funding that were the largest in the Food and Drug Administration’s history. Yet, he said, “I do not believe that money alone will meet the challenges ahead.” Kohl lived up to his convictions, never simply throwing money at a problem; rather he took his commitment to the health and safety of the American public seriously and thoughtfully.

America’s children will grow up in a better place thanks to his advocacy on behalf of...a strengthened food safety system.

**President Barack Obama on the Retirement of Senator Herb Kohl
May 13, 2011**

Since coming into office Kohl made the quality of food Americans consumed a priority. His ability to make a significant dent was bolstered by his position as ranking member and later as chairman of the Senate Agriculture Appropriations Subcommittee.

His crowning achievement was playing a significant role in enacting the Food Safety Modernization Act of 2010. The bill, signed into law by the president on January 4, 2011, represented the first major reform of the United States food system in more than 70 years.

Safe Food

According to the Centers for Disease Control and Prevention, there are 48 million new cases of food-related illnesses in the United States each year, and they affect roughly one out of every six Americans. Many of these illnesses are preventable and rattle consumer confidence in the quality and safety of the food they eat. Between 1998 and 2004, food poisoning outbreaks caused by produce doubled.

Kohl knew that the federal government needed to address this. "There is nothing more basic and necessary than protecting the food supply. Without congressional action, it will only be a matter of time before we have a major food safety scare on our hands," he warned.

U.S. Senator Herb Kohl is stepping up as a champion of food safety, and even President Bush's appointees are being forced to take notice...It is easy to dismiss hearings as nothing more than talk. But when they are organized and chaired by a senator who is serious about making something happen and who has the power of the purse in his hands, even a field hearing can be of significant consequence.

Capital Times, January 17, 2007

In 2005, Kohl and then Senator Russ Feingold (D-WI) sponsored a bill to toughen food safety laws and protect consumers. It was nicknamed Kevin's Law for 2 ½ year old Kevin Kowalcyk of Mount Horeb, Wisconsin, who died from an E. Coli infection. The bill included provisions that allowed the USDA to determine the foodborne pathogens that represented the largest threat to the public's health and set standards to reduce the presence of those pathogens in our food products.

Even though the 111th Congress was plagued with partisan politics, Herb Kohl pushed ahead, searching for a deal. Caroline Smith DeWaal, the Director of Food Safety at the Center for Science in the Public Interest wrote of that time that “amid the rancorous partisanship that has marked the past year in the nation’s capital, a bipartisan effort to pass food safety legislation has been taking shape.”

On November 30, 2010, that effort culminated, and the Senate passed the Food Safety Modernization Act by a vote of 73-25.

The bill included a provision backed by Kohl that allows the FDA to prevent food from importation if it comes from a foreign facility that does not allow American inspectors to enter the facility within 48 hours of a request to do so.

“For years we have been working to strengthen the FDA’s work, enabling them to hire more inspectors, provide greater scrutiny of imports and bolstering research. But as much as we worked to fortify the FDA’s arsenal, our antiquated food safety laws simply didn’t reflect a world in which many food products travel halfway around the world before ending up on our grocery shelves. This bill will help keep our food supply more secure and reduce the risk of food-borne illness for consumers,” Kohl said.

“It’s an unusual and shining example of how bipartisanship can work in Congress,” said Erik Olson, director of the Pew Health Group food programs, which spearheaded a coalition of consumer groups that supported the legislation.

What did the Food Safety Modernization Act do?

- ***Give FDA mandatory recall authority for the first time***
- ***Establish science-based minimum safety standards for fruit and vegetable production***
- ***Require imported food to meet identical safety measures as domestically produced food***
- ***Increase foreign food production facility inspections***
- ***Determine inspection frequency of food processing facilities based on risk of product for contamination***
- ***Mandate food processors to predict where contaminations may occur and work to prevent it.***

“That’s Senator Kohl for you,” explained Phil Karsting, Kohl’s chief of staff, “He always works across the aisle, because he knows that, if it’s good for the country, then surely it can be accomplished in a bipartisan way.”

School staff believed that the pilot helped lessen the risk of obesity, increased attention in class, reduced consumption of less healthy food, and reduced the number of unhealthy snacks brought from home. In addition, the school staff found that the pilot increased students' awareness and preference for a variety of fruits and vegetables (particularly less familiar kinds, such as kiwis and fresh pears), helped children who would otherwise be hungry get more food, and increased students' consumption of fruit and vegetables at lunch.

“Sen. Kohl Announces Expansion of Fresh Fruit, Vegetable Programs to Help Wisconsin’s Children,” US Fed News September 22, 2005

Kohl reflects: “If we expect our food safety agencies to monitor the billions of dollars of domestic and imported food that moves rapidly throughout our country, from field to table, we must equip them with the resources necessary to do the job. I'm pleased that with many worthy interests competing for our scarce federal dollars, we made food safety a priority.”

Healthy Food

Just as Kohl was a stalwart supporter of a safe food supply, he was also staunchly behind expanded access to a healthy food supply. Throughout his career he promoted initiatives that expanded nutrition programs to young, low-income, and elderly populations.

One of these initiatives was the summer feeding pilot program, which ensured that low-income students who participated in the school lunch program received a nutritious weekday meal during the summer months. Kohl said of the Summer Food Service Program: “These bipartisan programs are important to the well-being of our low-income and rural children, and should never be candidates for the chopping block.”

Kohl also proudly championed bringing the School Fruit and Vegetable Pilot Program to many states including Wisconsin. The initiative made fresh fruit and vegetables available free of charge to students in eligible schools. “By expanding this program,” he said, “Wisconsin’s children will have a chance to learn healthy eating habits that will benefit them their whole lives.”

Perhaps one of Senator Kohl's most influential projects to expand access to healthy food was the extension of WIC benefits to include farmers markets. It connects WIC recipients to community farmers markets to encourage consumption of fruits and vegetables by pregnant mothers and young children. It benefits both the recipients of the coupons, who are able to purchase local, healthy, fresh fruits and vegetables, as well as the local farmers who receive their business.

Kohl said of his efforts, "With funding for agriculture programs increasingly scarce, it's important that our priorities are those initiatives that are both effective and practical. The Farmers Market Nutrition Program cultivates a common sense, mutually - beneficial connection - it helps our farmers sell their produce and it helps mothers have and raise healthy babies. I am pleased to report that Wisconsin has had a successful experience with the program and am glad that we can expand our efforts."

Observing the overwhelmingly successful results of the WIC program in Wisconsin, Kohl championed a further expansion for senior citizens, promoting the Senior Farmers Market Nutrition Program, which provides coupons for low-income seniors to be used at local markets throughout the country. He made sure this program was funded even in years when the president proposed to cut it altogether.

Of particular significance to Kohl was the Agriculture Research, Extension and Education Reform Act of 1998 that increased eligibility for the Food Stamp program to legal immigrants who had recently been cut out of the program: among them, 7,000 members of the Hmong and Lao communities who live in Wisconsin. "My support for the Food Stamps restoration is significantly heart-felt due to my concern for the Hmong and other legal immigrants from Laos and their families. They fought alongside our American men and women in the Vietnam War, risking their lives on behalf of all that we hold dear in this country. They fled to the U.S. out of fear of persecution, and to them we truly owe a debt of gratitude," remarked Kohl.

Banning elderly, disabled and other needy legal immigrants from Food Stamps was harsh and unfair. I'm pleased that the Senate did the right and responsible thing by reversing that ban.

Senator Herb Kohl

Sustainable Food

Kohl's mission was not only to produce healthier and more natural food, but also to do so in a manner that would preserve Wisconsin's landscape and natural beauty.

Beginning early in his tenure, Kohl promoted research into agricultural systems that are environmentally sound and economically feasible. Some research focused on grassroots experimentation with ways to increase profitability of farms by reducing dependence on off-farm inputs such as pesticides and fertilizers. He also worked to secure funding for programs that train the extension agents share information about cutting-edge, environmentally-sound farming practices to farmers.

"My vision of the organic industry has always been one of the smaller, family-operated producers selling their produce directly to consumers. We need a system for certifying farmers that allows any producer who wants to grow organically to be able to do it," says Kohl.

In 1990, Kohl promoted the production of organically made foods through the establishment of national standards for organic designation and labeling through the National Standards for Organically Grown Food Act. In later years, Kohl announced substantial grant funding through the USDA to defray the cost of organic certification for producers who wish to be designated as such.

Senator Kohl has been a dedicated supporter of organic and sustainable agriculture for more than two decades. For years a leader on the Agriculture Appropriations Subcommittee, he has supported sustainable and organic research, including the innovative Sustainable Agriculture Research and Education (SARE) program and funding for the Appropriate Technology Transfer for Rural Areas (ATTRA) program. Knowing that protecting our nation's land and water for future generations, Senator Kohl has championed conservation programs like the Conservation Stewardship Program, Wetlands Reserve Program, and programs that promote managed grazing practices. Recognizing that healthy rural communities depend on profitable farmers, he has supported funding for innovative marketing and value-added grant programs, cost-share for farmers being certified as organic, and his support for beginning farmer programming has protected the foundation for cultivating future generations of farmers. Because of Senator Kohl's balanced and steady approach to supporting these and other initiatives, his outstanding service to agriculture and natural resources will remain a lasting legacy for generations to come.

Margaret Krome, Policy Program Director
Michael Fields Agricultural Institute

Kohl recognized that the organic industry was one of the fastest growing segments of the food industry. In 2000, Wisconsin alone had 1,016 certified organic producers, the second highest number nationally; the state also ranked second in acres of certified organic cropland.

Through the Agriculture Appropriations Subcommittee, which he chaired, Kohl backed several programs (eg., the Organic Transition Program and the National Organic Program) to address the transition process to certified organic production including soil and crop fertility and pest management.

Kohl also secured increased investments in the Sustainable Agriculture Research and Education (SARE) program which provides funding for research and education to improve the viability and sustainability of small family farms. It supports on-farm research into farming methods that reduce agricultural chemical use and increase profitability.

Realizing that transitioning to more sustainable methods of food production requires more than just dollars, Kohl supported programs that helped Wisconsin farmers transition into grazing rather than feed lot production. Specifically, the Grazing Education Initiative helps farmers carry out sustainable practices that preserve the land and environment as well as provide toxin-free meat for American families.

Anytime I think about Senator Kohl, I get a big smile on my face and great sense of joy knowing this amazing man. Senator Kohl is a true friend to family farmers here in Wisconsin and around the country. He has listened to his constituents and has always been approachable. Even more important, he has known how to get things done with his congressional colleagues. Mere words cannot describe all the important things he has done for sustainable and organic agriculture. His efforts have impacted so many important government programs, including the Conservation Stewardship Program, the Beginning Farmer and Rancher Development Program, ATTRA, EQIP, Organic Certification Cost Share, Value Added Producers Grant Program, and Organic Data Collection. Senator Kohl has been a leader in moving us toward a more sustainable agriculture landscape that can provide healthy food for all.

**Faye Jones, Executive Director
Midwest Organic and Sustainable Education Service (MOSES)**

“Wisconsin is a state of breathtaking beauty and rich natural resources. But none of that belongs to us – we are just stewards. Our awesome obligation is to preserve the beauty and use the resources wisely so we leave a cleaner, healthier world to our children.”

Herb Kohl

Conserving and Protecting our Natural Resources

“Wisconsin has a great university system, an innovative business sector, and abundant natural resources,” says Senator Kohl. “Government’s role should be to bring together these top scientists and business men and women to do what they do best: Come up with the ideas that create jobs while preserving our environment.”

Throughout his tenure, Kohl has fused Wisconsin’s proud conservationist tradition with the practical perspective of a businessman. He has sought to carry on the environmentalist legacy of his predecessors -- “Fighting” Bob La Follette and Gaylord Nelson – with bipartisan policies that both the private sector and the public sector can embrace. “Promoting clean energy and protecting our resources aren’t partisan issues,” emphasizes Kohl. “Businesses and environmental groups may come at them from different perspectives, I understand that. But we all want future generations to enjoy a Wisconsin that is beautiful and clean as well as economically sound. When we are looking for ways to preserve and enhance our state’s natural endowments, we’ve always tried to bring everyone to the table and include everyone in the decision-making. When we succeed, we’ve been able to accomplish some very good things.”

What I will always admire about Senator Kohl is his quick and enthusiastic support for big, bold ideas that will help Wisconsin and the U.S. Early in the formation of the Milwaukee Water Council, with no history as an organization, Senator Kohl stepped up and asked what he could do to lend a helping hand. It was from that point to his retirement that he continued to fight on behalf of Wisconsin's water technology cluster. He was a critical ally to have in Washington, D.C. and we will always appreciate his steadfast support.

Dean Amhaus, President & CEO, Milwaukee Water Council

Protecting the quality of our drinking water and municipal water infrastructure

Wisconsin's drinking water and water infrastructure have always been at the top of Kohl's agenda. He has consistently worked to keep the Clean Water and Drinking Water State Revolving Funds solvent and has made the federal government a partner in innovative wastewater projects in cities across Wisconsin, including Beloit, Green Bay, Madison, Racine, Sun Prairie, Superior, Waukesha, and of course, Milwaukee. He has also focused on federal initiatives that serve Wisconsin's smaller, more remote communities: the Circuit Riders, which provide free technical assistance to rural wastewater utilities, is one example; the National Tribal Environmental Council, which works with tribes on their water systems, is another. And he has pushed several administrations to expand eligibility for Clean Water Act benefits for states like Wisconsin that already invest more in water infrastructure than the federal government requires, making sure these states are not penalized for making clean water a major priority.

In 1993, Kohl responded quickly to the cryptosporidium outbreak that infected Milwaukee's drinking water, killing over 50 people and sickening more than a million. He secured immediate federal support for UW-Milwaukee to trace the source of the outbreak, then followed up with an amendment to S. 1316, the Safe Drinking Water Act, requiring EPA to track and control the pollutants aggressively. This bill was also the vehicle for several of his other priorities, including a national study of microbial contamination in drinking water and a "Right to Know" provision requiring utilities to alert consumers when their water may be contaminated. The bill passed the Senate in November of 1995 and was signed into law in 1996. After 9/11, Kohl leveraged his position on the Appropriations Committee to secure funding for the University of Wisconsin-Milwaukee's Center for Water Security to research how to protect drinking water infrastructure from terrorist attack.

One of the major initiatives of Kohl's last term was a collaborative public-private effort to develop the Milwaukee area as a national hub of water technology and research. Milwaukee is home to three universities with research programs in

"Under the leadership of Senator Herb Kohl...and countless local partners, you are working to turn Milwaukee into a world-class water research hub and a thriving regional innovation."

**Gary Locke, U.S. Secretary of Commerce,
address to Metropolitan Milwaukee
Association of Commerce**

freshwater science and some 130 water-related companies. The effort has been assisted by government dollars but is ultimately driven by scientists and water technology businesses in the region. Between 2009 and 2012, the Milwaukee Water Council won grants from the National Science Foundation, Department of Commerce, and the multi-agency Jobs and Innovation Accelerator Challenge. In 2009, Kohl brought federal support to UW-Milwaukee to establish a research and business mentoring arm of the university's Great Lakes Water Institute, a program that will offer services like business mentorship, workforce development, and venture funding support. "[We have] a shared and lofty goal," said Kohl at the 2010 Milwaukee Water Summit, "to make Milwaukee the freshwater capital of the world."

Revitalizing the Great Lakes

When Kohl first took office in the Senate, the Great Lakes were choked with pollution, overrun by invasive species, and governed by a hodgepodge of laws from eight states and two provinces. Kohl recognized early on that responsibility for the Great Lakes ecosystem doesn't stop at the state border. In the first months of his first term, he initiated, organized, and chaired a series of hearings in Wisconsin to investigate the environmental challenges facing the lakes. He then led the effort in 1990 to pass S.1646, the Great Lakes Critical Programs Act, which set water quality standards across the region and required cleanups of 42 toxic hotspots in all five lakes. He worked with EPA to make sure the agency treated Wisconsin municipalities, paper companies, and other stakeholders fairly when enforcing these measures. He also pushed the federal government to support research to study the effects of mercury in lake fish, then took on EPA when it tried to weaken mercury contamination rules.

Kohl championed legislation in 2008 to enact the Great Lakes-St. Lawrence River Basin Water Resources Compact (S.J. Res. 45), a historic bipartisan compact enacted by eight Great Lakes states and two provinces that banned new water withdrawals out of the Great Lakes basin and gave regional states a say in large-scale water usage proposals. Kohl successfully pushed for an amendment to the Oil Pollution Act of 1990 to establish a Coast Guard oil spill response group to be on alert for oil spills and successfully opposed further expansion of oil drilling in the Great Lakes.

Kohl used his position on the Appropriations Committee to promote, through the Great Lakes Legacy Program, environmentally sound dredging projects at ports and harbors in Milwaukee, Green Bay, Manitowoc, Kewaunee, Saxon, Sturgeon Bay, and Two Rivers. He also worked to support important conservation priorities and research

projects through the Great Lakes Fish & Wildlife Restoration Program; the Great Lakes Fishery Commission; and the University of Wisconsin Sea Grant Institute.

Finally, Kohl spearheaded efforts at the national and state level to combat the invasive species – like zebra mussels, river luffe, sea lampreys, and Asian carp – that threaten the lakes. Despite the extreme difficulty in eradicating invasives once introduced, scientists have been able to decimate the population of invasive sea lampreys by 90%, essentially erasing it as a major threat to the ecosystem of the Great Lakes.

“The Great Lakes are an inland treasure of natural beauty and endless recreational possibilities; they are part of what makes Wisconsin such a unique place in which to work and live,” said Kohl in 2012. “But the lakes also an integral to our state’s economy: A 2011 University of Michigan study found that 1.5 million jobs are tied to the lakes, with \$62 billion in annual wages. Efforts on behalf of these tremendous natural and economic resources is money well spent.”

Cleaning up Wisconsin’s rivers and lakes

Kohl’s efforts on behalf of Wisconsin’s inland lakes and rivers were no less vigorous than his work on behalf of the Great Lakes. Kohl made sure Wisconsin lakes like Delavan, Koshkonong, and Poygan got the resources they needed from EPA’s Clean Lakes Program to stay pristine and ready for fishing and boating. He worked to have the Upper Mississippi designated as one of the first American Heritage Rivers in 1998 and fought for the Mississippi Environmental Management Program, which manages the Upper Mississippi Valley ecosystem, conducts water quality studies, and maintains the lock system that keeps commercial traffic moving smoothly.

Kohl also maintained a focus on the historic Fox River and its locks. He fought to make the federal government a partner in cleaning up the river’s contaminated sediments and helped transfer control of the locks from the federal government to the state, reopening them, spurring recreation and development up and down the river.

“SOBA wishes to commend Senator Kohl for his continued efforts to promote water access opportunities for boaters in the State of Wisconsin and across the country. His commitment to recreational boaters is unwavering, and we salute him for his ongoing dedication to the nation’s boating community.”

Ed Poolos, President, State Organization for Boating Access

Kohl also partnered with the Forest Service’s Wild Wisconsin Waterways project to direct attention toward projects preserving other important environmental sites in the state, such as the St. Croix National Scenic Riverway and the Kickapoo River and Baraboo River basin.

“Senator Kohl is responsible for the conservation of thousands of acres of Wisconsin’s last great places and is also a national leader in the protection of our natural resources. From the Baraboo Hills to the Wild Rivers Legacy Forest and many places in between, Senator Kohl secured funding not only the protection of our natural resources but for the conservation of our working forests. Very few have had this magnitude of impact on our wild lakes, forestlands, wetlands, streams and prairies. We can only hope that his successor approaches the Senator’s dedication to our natural resources.”

Todd Holschbach, Wisconsin State Chapter, The Nature Conservancy

“Of course, when we are working on conservation, we are thinking about our responsibilities to generations to come,” says Kohl. “But we also shouldn’t forget that these efforts are a boon to our vibrant tourist industry. I have always supported – and, as often as I could, participated in – Wisconsin recreational boating.” Kohl served as co-chair of the Senate Boating Caucus. He saw several of his pro-boating bills enacted into law including the Clean Boating Act of 2008 (S. 2766), which prevented EPA from putting in place an overly burdensome permitting process for recreational boaters, and a bill (S. 1640) to outlaw “hull splashing,” a practice in which a boating manufacturer steals a competitor’s boat hull design and builds a different deck on top of it, thus dodging copyright restrictions. Kohl was honored with an award by a national boating group for his work in this area.

Conserving recreational lands for future generations

“There is intrinsic value, as well as economic value, in preserving Wisconsin’s beautiful lands and waters,” said Kohl. “We are responsible for leaving our children a cleaner state than we found, so they can hunt and fish and hike with their own children, and preserve these precious resources for generations to come.”

Kohl worked throughout his tenure to make sure Wisconsinites have ample areas and opportunities to enjoy the state’s outdoors. He brought in the federal government as a partner to acquire and maintain land for the Ice Age National Scenic

Trail, which winds through 1200 miles of the state, as well as the St. Croix National Scenic Riverway and the Wisconsin portion of the North Country National Scenic Trail. He sponsored outdoor areas for hiking and touring throughout the state, everywhere from the Apostle Islands National Lakeshore to the environmental award-winning Menomonee Valley Stormwater Park. He made it easier for private landowners to sell their land to the Forest Service to insulate it from development and keep it available for recreation.

In 2002, Kohl brought together local landowners and the Fish & Wildlife Service to agree on a plan for land acquisition and conservation on private lands to expand the Fairfield Marshal Waterfowl Production Area. The wetlands protected by this project were important to migrating ducks and geese, as well as local hunters. He also set up a rigorous, statewide program to eradicate chronic wasting disease in our deer population and preserve the marshes and wetlands that sustain waterfowl, an accomplishment that earned him a national achievement award from Ducks Unlimited.

Through Kohl's efforts, an abandoned Army Corps of Engineers dam project in the Kickapoo Valley has become over 8,000 acres of wildlife reserve and recreational area. Thousands of acres have been added to Wisconsin's Chequamegon-Nicolet National Forest for wildlife protection. The federally-run National Wildlife Center, located in Madison, has garnered the resources to research, monitor, and protect wildlife across the state and around the world. Kohl also involved the federal government in the cleanup of former industrial sites such as the Badger Ammunition plant in Baraboo and the Better Brite Shops in De Pere. He worked with the Driftless Area Initiative to preserve the unique landscape of the Paleozoic Plateau in Southwest Wisconsin; with the Great Lakes Indian Fish & Wildlife Commission to protect wild rice beds and other environmentally sensitive sites in Northeast Wisconsin; and with the Resource Conservation and Development Council to promote conservation in the rural areas of Wisconsin and across the nation.

Conservation on the farm

Wisconsin's agricultural sector plays a leading role in the state economy, not just in crop production but in stewardship of the land. Since Kohl first took office, he has eschewed using federal regulations to manage rural lands. Instead, he has championed consensus and cooperation among farmers and conservationists to implement practical ways of reducing agriculture's effect on the environment. He championed farm bill initiatives like the Conservation Reserve Program and Wetlands Reserve Program,

which incentivize farmers to protect and restore environmentally vital wetlands on their property. He supported a buffer strip initiative that allowed state and local officials to prioritize riparian areas whose preservation yielded the most environmental benefit. He established federal pilot programs at several UW outlets to explore new ways that farmers could reduce nutrient runoff and adopt practices to keep contaminants out of groundwater. He also supported internships to groom the next generation of conservationists.

Protecting Wisconsin's air quality

Kohl consistently supported strong clean air measures and opposed legislative efforts to undermine the Clean Air Act. At the same time, he insisted on taking the time to make sure that EPA rules were treating Wisconsin's farmers and manufacturers fairly. "Too often," said Kohl, "these debates end with both sides making unfair accusations. It's not true that supporting EPA means jeopardizing jobs. It's also not true that voting the other way means supporting dirty air. We have to clean up our air, but we have to do it in a way that makes sense for Wisconsin. Only by bringing everyone together can we arrive at a workable solution."

Early in his first Senate term, Kohl supported the historic Clean Air Act of 1990, adding amendments to clean up airborne toxins entering the Great Lakes and to require Illinois to clean up the pollution wafting up to Wisconsin. He also championed a bill to elevate the Environmental Protection Agency to cabinet-level.

He continued to focus on keeping Wisconsin businesses and utilities – many of which had exemplary environmental records – from paying to clean up air pollution they did not cause. In 1995, he pushed EPA to suspend the reformulated gas program that sickened numerous Wisconsinites until health complaints could be

A Sample of Awards received by Senator Kohl in recognition for his work on natural resources:

- *National Safe Boating Council Confluence Award, 2005*
- *National Safe Boating Council Confluence Award, 2006*
- *Ducks Unlimited, Wetlands Conservation Achievement Award, 2008*
- *States Organization for Boating Access Congressional Award, 2008*
- *National Rural Water Association Rural Water Star for Outstanding Contribution and Dedication, 2009*
- *National Rural Water Association Rural Water Star for Outstanding Contribution and Dedication, 2009*
- *National Ground Water Association Ground Water Protector Award, 2011*
- *Wisconsin Rural Water Association, Tradition of Excellence Award, 2012*
- *The Nature Conservancy, Lifetime Achievement Award in Conservation, 2012*

investigated and called on EPA to step up pollution enforcement of upwind states, citing data showing that as much as 50% of Wisconsin's ozone pollution comes from other regions. A major victory came in 2004 when he succeeded in keeping Kenosha businesses from having to clean up smog emanating from dirtier Chicago industries.

Despite a solid record of opposing federal attempts to undermine the Clean Air Act, Kohl also stood up to EPA on efforts he found misguided and potentially harmful to Wisconsin's industries. For instance, in 2003 he forwarded an amendment to stop regulation of emissions from small engines like lawnmowers and chainsaws. These rules would have no more than a tiny impact on air pollution but would seriously affect Wisconsin manufacturers like Briggs & Stratton. In 2011, when dairy farmers discovered a regulatory quirk that would treat spilled milk in dairy plants under the same hazard rules as spilled crude oil, he immediately proposed a bill (S. 104) to clarify the law. EPA updated its regulation along the lines of this bill, a change that saved dairy farmers \$133 million in yearly compliance costs and milk processing plants \$13 million a year. "I am pleased that the EPA listened to the concerns of the dairy industry and approved this commonsense exemption," said Kohl shortly after. "Dairy farmers are already required to meet strict standards for safety and quality, and adding another regulation didn't make sense. I hope this will serve as a model for the future - achieving a balance between reasonable regulation and environmental protection."

He also joined the rest of Wisconsin's delegation in pressuring the EPA not to classify coal ash - a byproduct of burning coal - as a hazardous waste. The science does not support this step, and labeling coal ash as hazardous waste would threaten Wisconsin's coal ash recycling sector, an industry that leads the nation in using coal ash for drywall and road pavement instead of dumping it in a landfill where it could potentially leach into the soil.

"In the face of... repeated attempts to put our health and safety at risk, Wisconsin's Senator Herb Kohl fought to make sure that Americans will have clean air to breathe. He helped beat back four different measures in the U.S. Senate that would have weakened the Clean Air Act, which protects Americans from dangerous pollution like mercury, carbon, and methane. Senator Kohl showed the kind of leadership that we need in Congress. Every person in Wisconsin who has lungs should call him to say thank you."

**Steve Cochran, Vice President,
Environmental Defense Fund**

During 2010 to 2012, Kohl played a key role in convincing EPA to structure new emissions standards for industrial boilers in a manner that reduces pollution while avoiding adverse impact on Wisconsin's pulp and paper mills. As originally proposed, the so-called "Boiler MACT" rule could have jeopardized thousands of jobs and resulted in millions of dollars in extra compliance costs. After hearing from several paper mills, Kohl personally brought their concerns to the EPA Administrator and led Senate colleagues in forwarding both regulatory and legislative fixes to the problem. EPA studied the arguments, agreed with the critiques, and rewrote the rules.

Reducing the burden of high gas prices

From his first days in office, Kohl battled high gas prices on every front. In 1993, he held out the deciding vote on President Clinton's budget until the president agreed to cut a proposed gas tax hike. In 2000, he asked the administration to bring suit against OPEC nations for colluding to raise gas prices. When they refused, he introduced legislation to strip the sovereign immunity of OPEC member states and subject the cartel to U.S. antitrust law, which would empower the Justice Department and Federal Trade Commission to take them to court. Kohl introduced this so-called "NOPEC" bill in every subsequent Congress, and it has passed the House and Senate at different times.

Though NOPEC wasn't signed into law, it shaped the national conversation on price-fixing by oil companies. As chairman of the Antitrust Subcommittee of the Senate Judiciary Committee, Kohl hauled in everyone from oil industry executives to the attorney-general to discuss why oil companies were pursuing mergers that led to obscene profits at the same time prices at the pump were soaring for American consumers. "One important cause [of high gas prices] is the actions of the OPEC oil cartel," said Kohl in 2011, "which limits supply in order to maintain a high price. If the nations of OPEC were private companies, such conduct would be nothing more than naked price fixing, illegal under the most fundamental principles of antitrust law. Why should OPEC be treated differently than other price fixing cartels that the Justice Department has taken action against under antitrust laws?"

Kohl also recognized that a major key to reducing our oil dependence is being more efficient with the energy we use. He introduced legislation to increase maximum truck weights on interstate highways, which allows companies to ship more goods in fewer shipments with less energy. He also forwarded a bill to expand tax credits to

convert heavy-duty trucks into hybrids, which would reduce the 2 billion gallons of fuel used every year by idling trucks.

In 2009, he supported the “Cash for Clunkers” program, which took some 700,000 inefficient vehicles off the road and replaced them with new vehicles getting over 50% better gas mileage. He also led the Wisconsin congressional delegation in intervening with the Department of Transportation to provide Clunkers vouchers to some Wisconsinites whose applications were denied due to a technical glitch.

Keeping seniors and low-income families warm in winter

The economic downturn fell hard on Wisconsin’s senior citizens and low-income families, and this reality was no clearer than during Wisconsin’s cold winters. Throughout his career, Kohl made a central priority of supporting the Low Income Home Energy Assistance Program (LIHEAP), which assists with the heating bills of low-income residents of cold-weather states. He worked extensively to make sure the distribution formula was fair to Wisconsin, which has among the highest percentage of LIHEAP-eligible residents, and he pushed federal agencies to transfer unobligated funds – extra money they had left over – to LIHEAP. During the many years when Congress failed to pass its yearly appropriations on time, Kohl fiercely fought to maintain support for LIHEAP through stopgap funding bills. “LIHEAP is a crucial bridge for the elderly and low-income working families when high heating bills exceed their monthly budgets,” remembers Kohl. “LIHEAP helps keep hundreds of thousands of homes warm in winter. I was unwilling to turn the heat off in these homes just because our federal government couldn’t agree on a budget.”

Promoting renewable energy and clean renewable energy

Some of the best energy efficiency ideas come straight from the manufacturers of energy efficient products. Kohl worked with Johnson Controls to solve a bureaucratic accounting problem, preserving Energy Savings Performance Contracts, which the government uses to install energy-efficient equipment without spending a lot of money up front. In the 110th Congress, he extended a tax credit for energy-efficient hot water heaters, which will reduce wasted energy; save consumers money on their utility bills; and support jobs for Wisconsin manufacturers like AO Smith. In 2012 Later, he unanimously passed through Congress a bill to update outmoded efficiency standards for water heaters, allowing the new heaters to be *Energy Star* certified. He also forwarded legislation (S. 157) in 2011 to create tax credits for an innovative new technology, developed by Orion Energy Systems of Manitowoc, that captures sunlight

and uses mirrors to reflect it throughout a building, completely preempting the need for electric lights during the day. While this bill did not get through Congress, it drew national attention to the need for incentives to promote clean energy technology. President Obama made the case in person when he toured Orion prior to Kohl's introduction of the bill.

Developing clean renewable energy requires states to make use of their resources, and Wisconsin is a national leader in research on how to turn biomass into energy. Through institutions like the Wisconsin Energy Institute at UW-Madison, the state has brought together scientists, farmers, and businesses to explore how clean renewable energy can be generated right here in the Midwest. For instance, the Great Lakes Bioenergy Research Institute is one of three Department of Energy research centers in the nation devoted to developing advanced biofuels. Kohl worked at the federal level to support the important work of these institutions and brought together stakeholders so that Wisconsin's cutting-edge firms could lead the way. He worked to maintain the USDA Forest Products Lab, the Forest Service's premier research arm that focuses on wood recycling and new forest products, as well as the Consortium for Plant Biotechnology Research, a partnership that explores new ways of utilizing biomass resources and now gets more private sector support than government support. He also championed research on how to produce energy from sewage sludge, hydrogen fuel cells, nuclear fusion, and other unconventional sources.

"Does some of this stuff sound far-fetched?" asked Kohl, "Sure, and not every idea will work out. But this is the role government should play: Not mandating rules and regulations, but giving businesses and academic institutions the tools they need to come up with the energy sources of the future. We're not going to get off fossil fuels overnight, but I feel very optimistic about Wisconsin as a place where we'll be seeing the development of new technologies that conserve energy, help the environment, and support the jobs of the future."

Seth Bloom worked for Senator Kohl on his Antitrust Subcommittee staff beginning in 1999, and served as his General Counsel from 2008 until the end of Senator's Kohl term in 2012. He was responsible for antitrust and competition policy issues for Senator Kohl. An accomplished antitrust lawyer, he also worked as a trial attorney at the Justice Department's Antitrust Division from 1996 to 1999.

Protecting Consumers by Championing Antitrust Law

by Seth Bloom

A highlight of Sen. Kohl's service on the Judiciary Committee was his leading role on the Committee's Subcommittee on Antitrust, Competition Policy, and Consumer Rights, where he served as either Chairman or Ranking Member for 16 years, from 1997 onwards. Sen. Kohl served as Chairman from June 2001 until the end of 2002, and from 2007 until his retirement at the end of 2012. He served as the senior Democrat on the Subcommittee from 1997 until June 2001, and from the beginning of 2003 until 2006.

Sen. Kohl's principal goal during his service on the Antitrust Subcommittee was to ensure that consumers received the benefit of the maximum degree of competitive choices to keep prices low and quality of goods and services high. Drawing on his considerable experience in business prior to his service in the Senate, Sen. Kohl favored a practical, "real world" approach to reviewing antitrust and competition issues, an approach focused on consumers and market conditions. This perspective proved invaluable to what too often is a highly technical field.

In an interview he gave to the magazine Antitrust in early 2007, upon assuming the Chairmanship of the Antitrust Subcommittee for the second time, he stated that "[m]y mission is not to be a legal technician but to oversee antitrust and competition policy in the interests of my constituents and the American people. And I believe my non-legal, business background is a great asset to me in this work. . . . In my view, my effort in this job is to bring about a balance so that capitalism flourishes, but at the same time consumers are not taken advantage of and, on the contrary, are afforded the opportunity to buy goods and services at the best prices as a result of a healthy, competitive, and vibrant economy."

Sen. Kohl's work on the Antitrust Subcommittee covered nearly every vital industry sector affecting American consumers, including telecommunications and media, high tech industries, health care, energy, transportation and aviation, retailing, and agriculture. He engaged in serious oversight over mergers, acquisitions, and

allegations of anticompetitive business practices in these industries by conducting more than 60 hearings investigating these issues during his tenure on the Antitrust Subcommittee. These hearings and other staff inquiries he supervised led to numerous letters to the leadership of the Justice Department's Antitrust Division, the Federal Trade Commission, the Federal Communications Commission, the Department of Transportation, the Department of Agriculture and other federal agencies recommending actions or investigations to protect competition in the economy. Sen. Kohl engaged in close oversight over these agencies, particularly the antitrust enforcement activities of the Justice Department and FTC, throughout his tenure on the Antitrust Subcommittee.

Sen. Kohl also introduced and championed vital pieces of antitrust reform legislation. These include legislation to give consumers greater access to low cost generic drugs; legislation to repeal the outmoded and wholly unwarranted antitrust exemptions protecting the freight railroad industry from competition, exemptions which injure numerous railroad shippers in the coal, agricultural, chemical, paper and other industries; legislation to restore the rule prohibiting manufacturers from setting minimum retail prices and therefore preserving consumers' access to discount prices; and legislation to make the actions of member states of the OPEC oil cartel subject to U.S. antitrust law when they attempt to raise the price, or limit the supply, of oil and gas in the United States. Each of these bills passed the Judiciary Committee several times. Sen. Kohl's antitrust reform bills to reform the merger review process, to strengthen court review of Justice Department antitrust settlements, to give the Justice Department wiretap authority when investigating criminal antitrust conduct, and to give the Justice Department additional authority to detect criminal antitrust conspiracies were each enacted into law during his tenure.

Sen. Kohl placed a priority on working on a cooperative, bipartisan, and consensus-driven manner with his Republican counterparts, whether Sen. DeWine when he served as Chairman, or Sens. Hatch or Lee when they served as ranking member on the Subcommittee. He strove, to the extent possible, to sign joint letters with his Republican counterparts, to introduce and advance legislation in a bi-partisan manner, to jointly arrive at the Subcommittee's agenda, and to plan hearings and staff investigations together. His goal was also to maintain a bipartisan consensus on the importance of strong antitrust enforcement to maintain a free and open competitive economy in the interests of consumers.

Sen. Kohl's leadership of the Antitrust Subcommittee received numerous accolades during his tenure. In 2006, he received with then-Chairman Sen. DeWine the

American Antitrust Institute's Antitrust Achievement Award for "His Enduring Dedication to the Bipartisan Tradition of Antitrust." In October 2012, in an article in the online legal journal Law360 reviewing Sen. Kohl's tenure on the Antitrust Subcommittee, Bert Foer, Executive Director of the American Antitrust Institute, stated that Sen. Kohl "had a background in business and understood business but also understood the need for antitrust laws to keep the marketplace operating according to legitimate rules, and so his positions . . . were good, solid reflections of traditional, moderately aggressive antitrust enforcement. The bar will be looking at him as a good, solid friend of antitrust whose presence in the antitrust world is going to be missed." In the same article, former FTC policy director David Balto commented that Sen. Kohl has "been one of the most effective Chairman of that committee, and his leadership on the importance of progressive antitrust enforcement has really been critical."

The following discussion will examine each of the major subject areas that Sen. Kohl examined on the Antitrust Subcommittee, roughly in order of priority.

Telecommunications and Media

General Approach

An area of special emphasis was preserving and promoting competition in the telecommunications sector. Sen. Kohl's 16 years of service on the Antitrust Subcommittee saw explosive growth of burgeoning new communications technologies such as widespread adoption of mobile phones, broadband internet connections, and satellite television. While these technologies revolutionized communications and access to information, they also posed enormous competition policy challenges. Sen. Kohl began his service as Ranking Member in early 1997, shortly after passage of the landmark Telecommunications Act of 1996. The Act – whose principal purpose was to encourage new forms of competition between phone and cable companies – led to a wave of mergers, acquisitions, and a widespread transformation of the telecommunications industry.

Senator Kohl's efforts in this area were to insure that consumers faced adequate competitive choices and that the development of new innovative, technologies was not blocked by old communications monopolies. Consumers continued to face limited cable TV competition, continually rising cable TV rates, and limited choices for broadband internet providers. Senator Kohl became a leading voice supporting competition in this vital economic sector. As he said in an interview in 2007, "We're . . . worried about rising cable and phone bills. So telecom competition is also a big issue for us on the

Subcommittee – increasing so in this age, given the importance of telecommunications to our society – and I’m sure even more so in the decades to come. It would be a tragedy if there were so little competition in this sector, and if consolidation trends continued, so that consumers were held totally hostage to the big telecom companies.”

Early in his tenure on the Antitrust Subcommittee, Sen. Kohl was a key co-sponsor of the Satellite Home Viewer Improvements Act (SHVIA, S. 1485), legislation introduced in January 1999 to amend copyright law to permit satellite TV companies to offer local broadcast TV stations to consumers. This was essential for satellite TV to be truly competitive with cable TV, and having vigorous competition between satellite and cable TV was essential to holding pay TV rates down. SHVIA was enacted into law in 1999. Sen. Kohl worked to get this bill reauthorized in 2004 and 2010.

Sen. Kohl also examined numerous mergers in the telecommunications sector, including the 2000 AOL/Time Warner merger, the attempted merger in 2001 between MCI Worldcom and Sprint, which Sen. Kohl opposed and was ultimately blocked by the Justice Department, the 2003 NewsCorp/DirecTV merger, the 2004 SBC/ATT and Verizon/MCI mergers, the 2005 Comcast/ATT Broadband cable merger, the acquisition by Comcast and Time Warner of the Adelphia cable system, and the 2012 acquisition by Verizon of wireless spectrum owned by four leading cable companies, among others. The Antitrust Subcommittee became the leading public forum for serious examinations of these mergers, in which all parties, industry stakeholders, experts, and consumer groups were represented. The keystones of these hearings were the transactions’ impact on consumers, competitive choices, and the prices consumers paid for competitive telecom services.

Cable TV

A principal focus of Sen. Kohl’s work in this area was designed to promote greater competition in the cable TV industry, where consumers had few competitive choices and annual cable price increases averaging triple the rate of inflation. The Antitrust Subcommittee held numerous hearings on this topic. Sen. Kohl’s initiatives in this area included his efforts to ensure that competitive cable TV and satellite companies had access to vital programming through the enforcement of statutory provisions governing program access, and closing loopholes in such statutes; efforts to ensure that independent programmers had a fair chance to get carried by the major cable TV companies; and efforts to ensure that new technologies such as the online delivery of video content were not blocked by existing cable TV companies.

Senator Kohl was a prominent critic of the proposed merger in 2002 between the two satellite TV companies, Echostar (Dish Network) and DirecTV. This merger would have reduced the competitive choices for many consumers for video from three to two. After the Antitrust Subcommittee's hearing on the deal, Sen. Kohl (joined by then-Chairman DeWine) wrote the Justice Department and FCC urging that the deal be blocked. The two agencies ultimately took action to block the deal.

Wireless phones

Sen. Kohl also spent considerable efforts on the Antitrust Subcommittee to assure a competitive mobile phone market. With wireless phones becoming an increasingly important communications tool, both for voice and as a way to access the Internet with the development of smart phones, ensuring that consumers had ample competitive choices in the wireless market became increasingly important. Two Antitrust Subcommittee investigations and hearings highlighted Sen. Kohl's work on this issue.

First, in 2008 and 2009, Sen. Kohl investigated the identical parallel price increases in the per message cost of text messaging by the four national cell phone companies - AT&T, Verizon, Sprint, and T-Mobile. These companies increased the per message price of text messages from first 10 to 15 cents, and then 15 to 20 cents over the course of little more than a year, all at about the same time. These price increases occurred despite the fact that the cost of each text message to the phone company was well under a penny.

Sen. Kohl convened an Antitrust Subcommittee hearing on June 16, 2009 to examine these parallel price increases, and called leading executives from the cell phone companies to testify, as well as a consumer representative and industry experts. While the hearing did not uncover evidence of outright collusion, it did reveal a lack of competition in the cell phone industry that made such price increases possible. Sen. Kohl followed the hearing with a July 2009 letter to the Justice Department and FCC suggesting a number of regulatory and policy changes to combat the lack of competition in the cell phone industry. The letter noted that "these identical price increases are hardly consistent with the vigorous price competition we hope to see in a competitive marketplace. Indeed, these price increases may represent a warning sign for the state of competition in the cell phone market." Among Sen. Kohl's suggestions was that the FCC strengthen roaming requirements by requiring the national cell phone competitors to permit roaming for data for Internet connections by their smaller regional competitors. The FCC subsequently adopted such a requirement.

Sen. Kohl's second major initiative on the issue of wireless phone competition was his examination of the proposed AT&T/T-Mobile merger in 2011. In February 2011, AT&T announced its intent purchase its competitor T-Mobile for \$ 39 billion. This acquisition would have combined two of the only four national cell phone companies. It would have resulted in AT&T having over 40 percent of the national cell phone market, and two companies AT&T and Verizon forming a duopoly with over 80 percent of cell phone subscribers. On May 11, 2011, Sen. Kohl convened an Antitrust Subcommittee hearing examining the merger with, among others, the CEOs of AT&T, T-Mobile, and Sprint testifying. In his statement opening the hearing, Sen. Kohl pointed out that "[a]n industry that once a monopoly owned by AT&T in the last century is in danger of reverting to a duopoly in this new century. An so we must ask: is putting the control of such a vital economic sector relied on daily by millions of people in just two or three companies good for our country?"

At the hearing, Sen. Kohl sharply questioned the CEOs of AT&T and Verizon for their filings at the FCC claiming that they were not competitors. He won a major concession from each CEO when they admitted that they did indeed compete with each other.

Several weeks after the hearing, on July 20, 2011, Sen. Kohl wrote a detailed seven page letter to the Justice Department and FCC analyzing the merger, concluding that it was anti-competitive, and recommending that it be blocked. He stated that "[a]n acquisition which would decrease the number of national competitors from four to three in an already highly concentrated market, and one that eliminates the low price competitor from this market, is in my view highly dangerous to competition and consumers."

In August 2011, the Justice Department filed an antitrust lawsuit to block the merger, and in November the FCC took action to block the merger as well. In December 2011, AT&T and T-Mobile abandoned the transaction.

When the AT&T/T-Mobile acquisition was announced in February 2011, nearly all analysts expected the transaction to be approved. There is no question that had it been approved, it would have done substantial damage to competition in this vital market, an even tighter cell phone oligopoly, and higher prices for consumers. Sen. Kohl's examination of the deal, his Antitrust Subcommittee hearing, and especially his letter to the Justice Department and FCC recommending it be blocked was a major factor turning the tide against this merger and creating the political climate for the antitrust regulators to seek to block the deal. The Wall Street Journal called the letter

“the most significant political rebuke” yet of the deal, and predicted, on July 21, 2011, that the letter would “carry weight” with the Justice Department.

Media Mergers

Sen. Kohl also spent considerable time examining media mergers during his time in the leadership of the Antitrust Subcommittee. In a 2007 interview, he stated that media consolidation “is such an important issue . . . because it has the potential to reduce if not eliminate the opportunities people have to read and think about differing opinions and independent opinions. If this were to happen, it would have a devastating impact on our society and our democracy. . . . In sum, I believe it is very important that we in government – including here in Congress and in the antitrust enforcement agencies too – stand in the way of excessive media consolidation.”

Sen. Kohl therefore spent considerable effort scrutinizing media mergers on the Antitrust Subcommittee. He strongly believed that fulsome competition among media outlets was essential to insure that citizens had the benefits of diversity of opinions and expression. As he said in 1999 at his opening statement at the Antitrust Subcommittee hearing examining the Viacom/CBS merger “In our subcommittee, we have always taken the position that a media merger is different from, say, a merger between telephone companies, oil companies, or cereal manufacturers. When we are examining media mergers, we need to take special care to ensure that we protect the free flow of information and ideas. . . . We should be careful to pay attention to [this merger’s] effects on the marketplace of ideas and not merely the marketplace of dollars.”

Sen. Kohl’s examination of media mergers included Antitrust Subcommittee hearings on the mergers between Viacom and CBS in 1999 (a merger that was unwound in 2009), AOL and Time Warner in 2000, NewsCorp and DirecTV in 2003, the satellite radio broadcasters in XM and Sirius in 2007 (a merger that Sen. Kohl opposed but was ultimately approved by the Bush Justice Department), Universal Music and EMI in 2012, and culminated in the Subcommittee’s investigation and hearing into the Comcast/NBC Universal merger in 2010. The Comcast/NBC Universal merger brought together the nation’s largest cable TV provider, and one of the largest Internet service providers with the television and movie powerhouse NBC Universal, one of the largest content companies in the nation. In his Feb. 4, 2010 statement opening the Antitrust Subcommittee hearing on the deal, Sen. Kohl noted that “[t]he combination of NBC’s content holdings with Comcast’s distribution power would create a media powerhouse of unmatched size and scope which, if approved, will have far-reaching consequences for competition and consumers.”

In May 2010, Sen. Kohl wrote to the Justice Department and FCC urging those agencies to adopt 11 pro-competition conditions on the deal. These conditions were designed to assure that Comcast could not deny “must-have” programming it owned from competing cable or satellite TV providers; that Comcast would not move free over the air programming to pay cable TV; that the deal would not make it significantly more difficult for independent programmers to be carried on Comcast cable TV systems; and that this deal not impede the development of new forms of video distribution over the Internet. The Justice Department and the FCC ultimately conditioned their approval of the merger on the adoption, in whole or in part, on nine of these conditions. Many industry observers believe that Sen. Kohl’s hearing and letter were a very important factor in the agencies’ requiring these conditions.

Antitrust Enforcement in High Tech Industries

The sixteen years of Sen. Kohl’s leadership on the Antitrust Subcommittee saw emergence of high tech industries such as computer software, computer hardware, mobile devices, and the Internet itself as a major driver of economic growth and occupying an increasingly important position in the economy. Much of commerce, entertainment and information moved from brick and mortar stores, traditional media such as broadcast television, newspapers, magazines and physical books to the Internet. The innovation in high tech industries was essential to economic growth.

Questions were frequently raised as to whether antitrust was still well suited for these high tech industries, given this sector’s frequent technological change and the emergence of new products and services. But, as Sen. Kohl noted in a June 2010 antitrust oversight hearing, “[w]hile we must be balanced and fair in our approach, I believe antitrust is as essential to protect competition with respect to today’s Internet and telecom sectors as it was to the railroad industry of more than a century ago.” While recognizing that antitrust laws need to be flexible and cognizant of changing technologies, he believed that consumers need the same protection against monopolistic conduct and anti-competitive mergers in this sector as in all others.

Microsoft

Two matters stand out in Sen. Kohl’s examination of high tech industries. The first was his examination of the allegations that Microsoft was engaged in illegal, monopolistic conduct in the computer software industry in the late 1990s. Sen. Kohl actively participated in two Judiciary Committee hearings on this topic in 1998. In the March 1998 hearing, Sen. Kohl noted that Microsoft had achieved large profit margins and “had a huge incentive to maintain and extend that monopoly.” Under questioning

from Sen. Kohl, Microsoft CEO Bill Gates admitted his profits on sales were approximately 24 percent. Sen. Kohl compared this profit margin with profits in the retail industry, where “if you make 2, 3, 4, percent on sales, it is considered to be very successful.” Sen. Kohl added that “if your industry were much more competitive, your prices would be a lot lower. . . . And if your prices were a lot lower, your profits would be a lot lower.” In other words, Microsoft’s very high profit margins indicated that the computer software industry was not truly competitive. The Justice Department ultimately brought an antitrust case against Microsoft for illegally maintaining a monopoly.

Sen. Kohl also examined the settlement reached by the Bush Justice Department to settle the Microsoft case in 2001. Many competition advocates were concerned that the settlement was on too easy terms and did not address many of the issues essential to curing Microsoft’s anti-competitive conduct. At the Judiciary Committee hearing examining this settlement on December 21,2001, Sen. Kohl noted that

The critical questions remains, will this settlement break Microsoft’s stranglehold over the computer software industry and restore competition in this vital sector of our economy? I have serious doubts that it will. . . . It seems to me . . . that this settlement agreement is not strong enough to do the job, to restore competition to the computer software industry. It contains so many loopholes, qualifications, and exceptions that many worry that Microsoft will easily be able to evade its provisions.

Sen. Kohl eventually wrote comments to the U.S. District Court in Washington, D.C. that was reviewing the settlement agreement under the Tunney Act to determine if it was in the public interest. These comments were a detailed explanation of why he believed the settlement was inadequate.

Google

Later in his tenure on the Antitrust Subcommittee, Sen. Kohl closely examined competition issues caused by Google’s dominance of the Internet search and advertising markets. Google gained a 70% or higher market share in computer based Internet search, giving it the power to make or break e-commerce sites and to have a tremendous effect on the price of Internet advertising. In 2007, the Antitrust Subcommittee held a hearing regarding Google’s acquisition of Doubleclick, a leading company serving Internet advertising. The next year Google’s planned joint venture with Yahoo for Internet advertising was examined. Serious questions regarding the

effect of this joint venture were raised at the hearing, and the Justice Department subsequently decided to block this joint venture.

The culmination of Sen. Kohl's work in the high tech sector was his 2011 investigation and hearing into allegations that Google was biasing its search engine to favor its own products and services and disfavor those of its competitors. Google was responsible for 65-70% of Internet searches in the United States done on computers and over 95% done on mobile devices. Given this market share, Google had tremendous power over how consumers access the internet, and over advertising on the internet. Various e-commerce sites alleged that they had been treated unfairly with respect to placement on the Google search engine, and alleged that they had been discriminated against in the Google search engine. Google's critics alleged that Google unduly favored its own e-commerce sites in Google searches, and improperly disadvantaged its competitors.

In the years before the hearing, Google had been on acquisition binge, acquiring dozens of internet-related businesses and e-commerce sites. Opening the hearing on September 21, 2011, Sen. Kohl stated that these acquisitions had "transformed Google from a mere search engine into a major internet conglomerate, and these acquisitions raise a very fundamental question: is it possible for Google to be both an unbiased search engine and at the same time own a vast portfolio of web-based products and services? Does Google's transformation create an inherent conflict of interest which threatens to stifle competition?"

Sen. Kohl also noted that "we need to be mindful of the hundreds of thousands of businesses that depend on Google to grow and prosper. We also need to recognize that, as the dominant firm in Internet search, Google has special obligations under antitrust law not to deploy its market power to squelch competition . . . As more and more of our commerce moves to the Internet, it should be the highest priority of antitrust policymakers that the Internet remains a bastion of open and free competition as it has been since its founding."

Several months after the hearing, on December 19, Sen. Kohl wrote jointly with Sen. Lee, the Antitrust Subcommittee's Ranking Member, to FTC Chairman Leibowitz to summarize the results of the Subcommittee's investigation. The letter stated that "[w]hile we take no position on the ultimate legality of Google's practices under the FTC Act, we believe these concerns warrant a thorough investigation by the FTC."

The letter highlighted the importance of the Internet to the American economy, and the dominance of the Google search engine for consumers performing Internet

searches. The letter stated that “a key question is whether Google is using its market power to steer users to its own web products or secondary services and discriminating against other websites with which it competes.”

The letter also noted how Google’s business model had changed in recent years. Google has transformed itself into a web conglomerate, acquiring or developing numerous web based products and services, known as “vertical search sites.” The Senators stated that “[m]any question whether it is possible for Google to be both an unbiased general or ‘horizontal’ search engine and at the same time own this array of secondary web-based services from which the company derives substantial advertising revenues.”

The FTC initiated a formal antitrust investigation of Google subsequent to the Antitrust Subcommittee hearing on this issue, and the investigation was ongoing at the conclusion of Sen. Kohl’s service in the Senate.

Health Care

One major concern of policymakers throughout Sen. Kohl’s service was reining in the fast growing price of health care services. On the Antitrust Subcommittee, the focus of Sen. Kohl’s work was to increase competition for health care products and services, and to remove obstacles to competition, as a way of ensuring competitive pressures were present to control spiraling health care costs. Sen. Kohl’s efforts in this area were mainly focused in two areas.

Hospital Purchasing of Medical Devices

First was the issue of hospital group purchasing organizations (GPOs), an issue that Sen. Kohl began to focus on in 2002 and throughout the next few years. In 2002, Sen. Kohl launched an Antitrust Subcommittee investigation into allegedly anti-competitive practices at the nation’s leading GPOs, including four Antitrust Subcommittee hearings between 2002 and 2006. GPOs are independent organizations formed by hospitals to purchase hospital equipment and medical devices. Their objective is to gain volume discounts for hospitals by engaging in group purchasing of hospital supplies and equipment. GPOs negotiate with medical equipment manufacturers for discounted prices for medical equipment and devices. GPOs operate under a specific exemption from the Medicare anti-kickback law enabling to collect fees from suppliers. Sen. Kohl was concerned that the GPO system was having the effect of diminishing competition among medical device manufacturers because of the constraints imposed by the proliferation of long term and nearly exclusive GPO contracts.

The Antitrust Subcommittee heard numerous reports from medical device companies and other hospital suppliers that they were excluded from the hospital supply marketplace because of the operation of GPOs, including manufacturers of surgical devices, pacemakers, and retractable needles. The operation of GPOs – and their favorable deals with incumbent suppliers – were freezing out innovative medical devices from the marketplace, imperiling patients, and blocking competition in the medical device industry, causing prices to be higher than they otherwise be in a truly competitive marketplace. Some of these GPOs contracting decisions even appeared to be influenced by the stock holdings in medical device manufacturers of their senior executives.

In opening the first Antitrust Subcommittee hearing on the GPO industry in 2002, Sen. Kohl noted that “[t]oday this subcommittee turns its attention to an issue affecting the health and safety of every American who has or will ever need treatment at a hospital, in other words, every one of us. . . . Because [GPOs] represent more than 75% of the nation’s hospital beds, they are a powerful gatekeeper who can cut off competition and squeeze out innovation.” Referring to reports that GPO contracting decisions were influenced by the stock holdings of their senior executives, Sen. Kohl declared that “these practices . . . are appalling and should not be tolerated. We cannot accept a situation where a decision on which medical device will be used to treat a critically ill patient could conceivably or even theoretically turn on the stock holdings of GPO executive.”

Sen. Kohl’s hearings and investigation of this issue resulted in fundamental reform in the GPO industry. At the urging of Senator Kohl at the 2002 Antitrust Subcommittee hearing, the nation’s six largest GPOs and their trade association created codes of conduct to forbid many anti-competitive and unethical practices. The GPO industry committed to end such practices as sole source contracts for medical devices, and requiring hospitals to purchase a bundle of unrelated items in order to gain discount prices. The industry also enacted new ethical standards forbidding GPO executives from investing in medical device manufacturers and hospital suppliers. These were the first codes of conduct enacted in the GPO industry, and they were a direct result of Sen. Kohl’s efforts. The hospital supply marketplace began to open, and several new innovative medical device suppliers obtained GPO contracts as a result of these reforms.

In the years following the 2002 hearing The Subcommittee's continued concern was to ensure that these voluntary codes of conduct were permanent and lasting, and that the codes were enforceable and transparent. Sen. Kohl conducted three additional hearings in the Antitrust Subcommittee, and sponsored several GAO studies, to examine the effectiveness of these reforms. As a further result of Sen. Kohl's efforts, the GPO industry in 2005 created a new self-regulatory organization, the Healthcare Group Purchasing Industry Initiative (HGPII). HGPII is a voluntary organization of GPOs who pledge to adhere to basic principles of business conduct which, in general terms, prohibit anti-competitive practices and unethical behavior. In 2004, the Medical Device Manufacturers Association, the association of small innovative medical device suppliers, presented Sen. Kohl with an award for his efforts on opening the hospital supply market to competition.

In a 2007 interview, summarizing his work on this issue, Sen. Kohl remarked that "[w]e're concerned about patients getting access to medical devices and removing anticompetitive obstacles that in the past have blocked patient access to lifesaving devices as a result of some GPO practices. . . . We've made significant progress on this issue over the last several years . . . The companies have changed their behavior as a result of us watching them. And they deserve commendation for that."

Generic Drugs – Pay for Delay Deals

The second major health care related initiative of Sen. Kohl on the Antitrust Subcommittee was his efforts to combat anti-competitive, anti-consumer "pay for delay" deals in the pharmaceutical industry which had the effect denying consumers the benefit of competition from low cost generic drugs. These deals occur in the settlement of pharmaceutical patent cases. Under these settlements, brand name drug companies pay money or other valuable consideration to generic drug manufacturers in settlement of patent litigation, in return for the generic company agreeing to keep its competing drug off the market. These agreements delay the entry of generic drug competition for many years, and greatly increase prescription drug prices as generic drugs are priced as much as 85% less than their brand name equivalents. The FTC has found that these settlements would cost consumers \$ 35 billion over a ten year period in higher drug costs, and cost the federal government \$ 12 billion in high drug reimbursement in federal health care programs such as Medicare. The Congressional Budget Office calculated that ending pay for delay settlements would save the federal government around \$ 4.8 billion over a ten year period.

Beginning in the 110th Congress in 2007, Sen. Kohl introduced his bipartisan Preserve Access to Affordable Generics Act (S. 369). When first introduced, the bill would have enacted an absolute ban on these pay for delay deals. However, as a result of Judiciary Committee modifications to bill in the 111th Congress in 2009, the bill would enact a presumption of illegality of such deals, with the drugs companies permitted to rebut this presumption with clear and compelling evidence that the deals were pro-competitive. This modification was agreed to as a compromise measure as a result of drug industry contentions that not all deals of this type were necessarily anti-competitive. However, there is no question that enactment of this measure would be a significant deterrent to these deals, and prevent truly anticompetitive Pay for Delay deals. The legislation was reintroduced in the 112th Congress in 2011 (S. 27), and passed for a second time in the Judiciary Committee. The legislation attracted considerable support, including editorials in the New York Times and Washington Post. It also was included in the President's budget proposal for 2012. Late in 2012, the U.S. Court of Appeals for the Third Circuit found that Pay for Delay deals should be treated with a presumption of illegality similar to Sen. Kohl's legislation, and the U.S. Supreme Court decided to hear a case to determine the appropriate legal standard for reviewing these deal.

Sen. Kohl's health care antitrust efforts also included close monitoring of consolidation in this sector. One example was late in 2011, when he convened an Antitrust Subcommittee hearing on the competitive effects of the merger of two of the nation's largest pharmaceutical benefits managers (PBMs), Express Scripts and Medco. The hearing focused on whether this merger would lead to health plan sponsors and employers paying more for PBM services. No major plan sponsor or employer publicly opposed the deal, and the FTC approved this merger in 2012.

Energy Sector

Sen. Kohl's antitrust work in the energy sector focused on the oil and gas industry, and the prices consumers paid for such vital commodities such as gasoline. Through the first decade of the 2000s and until the end of Sen. Kohl's term, gas prices spiked on various occasions, particularly in the spring and summer or after natural disasters such as Hurricane Katrina, reaching over \$ 4.00 per gallon on several occasions. While there were many causes for this price increases, including refinery shutdowns, natural disasters, and political instability in the Middle East, concentration in the oil industry and especially the price fixing behavior of the OPEC oil cartel were principal culprits for price spikes in crude oil, and in turn, gasoline.

As Sen. Kohl commented in a 2007 interview, “we have had enormous spikes in the price of oil and gas to consumers. And many of us in Congress, as well as many people across the country, were suspicious that we may have been taken advantage of by the large oil companies.”

In the spring of 2000, Wisconsin suffered from a gas price spike. Sen. Kohl convened a meeting in his office in June with other members of the Wisconsin Congressional delegation and the then Chairman of the FTC, Robert Pitofsky. As a result of this meeting, Chairman Pitofsky announced he would investigate the cause of this gas price spike, and, significantly, institute a program at the FTC to monitor the price of gasoline nationwide and examine price hikes to determine if they were caused by collusion or other anti-competitive practices. This led to an ongoing FTC gas price task force, which regularly monitored gas price fluctuations nationwide for anti-competitive conduct. The FTC gas price task force periodically reported to Sen. Kohl’s Antitrust Subcommittee staff on its findings.

Sen. Kohl was the author of groundbreaking legislation to combat the OPEC oil cartel. His NOPEC legislation (the “No Oil Producing and Exporting Cartels Act”) was first introduced in 2000, and was reintroduced in every Congress thereafter during Sen. Kohl’s service in the Senate. The bill was intended to address the activities of the international oil cartel, OPEC, a cartel which operates contrary to basic principles of antitrust law and prevents free competition in the international oil industry. As a price fixing agreement among competitors, such an oil cartel plainly violates U.S. antitrust law. NOPEC would remove any existing legal ambiguity and explicitly provide that any nation that acts with any other nation or person to fix the price of oil or any petroleum product, to limit the supply or restrict the distribution of oil or any petroleum product in a manner that substantially affects the U.S. market, violates U.S. antitrust law. Further, NOPEC provided that nations engaging in such activities were not immune from lawsuits in U.S. courts on the grounds of sovereign immunity or the act of state doctrine. The goal of NOPEC was to deter price fixing and supply limiting agreements among foreign oil producers by entities such as the OPEC oil cartel, and thus to ensure that free and open competition occurs in the international oil market.

Sen. Kohl’s NOPEC legislation passed the Judiciary Committee in every Congress from 2000 onwards. In 2007, it passed the Senate floor as an amendment to an energy bill by a vote of 70-23. That year an identical version also passed the House floor with 345 votes. However, the Senate passed energy bill was never passed by the House, and stand-alone House legislation never passed the Senate floor; thus NOPEC was not enacted into law.

Sen. Kohl also participated in several Antitrust Subcommittee and Judiciary Committee hearings on competition in the oil industry. At a Judiciary Committee hearing in February 2006, Sen. Kohl noted that “the basic question remains, why should paying higher prices for crude oil lead to record high profits for the companies that refined this oil? One obvious answer is that oil companies are charging high prices and gaining record prices simply because they can.” He called for greater antitrust scrutiny, passage of the NOPEC legislation and also legislation to direct the Secretary of Energy to develop a strategic refining reserve.

Retailing

Another important legislative initiative of Sen. Kohl’s was his efforts to protect retail discounting. For nearly a century consumers benefited from the antitrust rule that manufacturers could not fix minimum retail prices, what is known as vertical price fixing or retail price maintenance (RPM). This led to the development of large discount store chains, such as Wal-Mart or Best Buy, as well as in recent years, Internet retailers such as Amazon and eBay. However, in its 2007 Leegin decision, a narrow 5-4 majority of the Supreme Court overturned this automatic ban on RPM and held that vertical price fixing should be evaluated under the lenient “rule of reason.” This standard makes it very difficult, if not impossible, to challenge retail price maintenance. This decision significantly harmed consumers’ ability to gain access to discount products.

Sen. Kohl spent considerable effort in the years following the Leegin decision to overturn it legislatively and restore the absolute ban on vertical price fixing. He held two Antitrust Subcommittee hearings, one in 2007 and 2009, to examine the effects of allowing vertical price fixing, hearings at which leading discounters testified. Sen. Kohl drew from his own experience as a retailer in the 1970s and 80s, when the manufacturer of a leading brand of brand name jeans attempted to cut off Kohl’s from these jeans when the stores began to discount the product below that charged by traditional department stores. At the 2009 hearing, Sen. Kohl stated that “I know from my own experience in the retail industry decades ago that established retailers can take advantage of vertical price fixing to halt discounting dead in its tracks.” Sen. Kohl added that “in the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both big box stores and on the Internet. We have all taken for granted our ability to walk into discount retailers and buy brand name products at sharply discounted prices. It is essential that Congress act swiftly to enact my bill to once again make the setting of minimum retail prices illegal.”

Sen. Kohl first introduced the Discount Pricing Consumer Protection Act in the 110th Congress in October 2007 (S. 2261). This legislation was reintroduced in the 111th Congress in 2009 (S. 148), and in the 112th Congress in 2011 (S. 27). This short and simple legislation simply stated that a manufacturer setting a minimum retail price violated antitrust law.

The Discount Pricing Consumer Protection Act passed the Judiciary Committee in both the 111th and 112th Congress (in 2009 and 2011). It garnered the support of the National Association of Attorneys General, 36 state attorneys general, all the major consumer groups, the American Antitrust Institute, Amazon, E-Bay, and numerous other internet retailers and brick and mortar discounters such as Burlington Coat Factory.

Airline Competition

Another major focus of Sen. Kohl's work on the Antitrust Subcommittee was to preserve airline competition. The first decade of the 2000s and succeeding years were difficult ones for the airline industry. The airline industry confronted enormous pressures after the 9/11 terrorist attacks in 2001, followed by sharply rising jet fuel prices and economic recessions causing a decline in business and leisure travels.

During Sen. Kohl's tenure on the Antitrust Subcommittee, such major airlines as Continental, Northwest, TWA, Pan Am, and America West, among others, ceased operating, either as a result of merger, acquisition or economic difficulty. Consumers faced diminished choice on many routes, higher fares, diminished quality of service caused by overcrowded planes, and new fees such as fees for checked baggage and meals, and other ancillary services. As Sen. Kohl noted in a 2007 interview, "we've long been concerned with consolidation in the airline industry. . . . [T]hose of us who regulate the industry or have oversight over the industry have to do everything we can to see it that there is sufficient competition in this industry. We must ensure that people get a variety in choice of service and competitive pricing. This will not occur if we allow the airline industry to consolidate to such an extent – via mergers and acquisitions – so that airlines no longer need to worry about competing with their rivals. This would be a very bad result for consumers."

An early example of Sen. Kohl's work to preserve competition in the airline industry was his examination of the merger proposed by United and US Airways in 2000. As he pointed out in a 2007 interview, that deal "very much concerned us because it would have substantially diminished competition at many key airports across the nation." The Antitrust Subcommittee convened two hearings examining this proposed

deal in 2000 and 2001, which Sen. Kohl opposed. Sen. Kohl and then-Antitrust Subcommittee Chairman Sen. DeWine co-sponsored legislation designed to thwart this deal in 2000. This legislation would have limited the takeoff and landing slots any one airline could control at a slot controlled airport. The merged United/USAirways would have exceeded these slot limits. The Justice Department ultimately decided to block the deal.

Throughout Sen. Kohl's leadership of the Antitrust Subcommittee, he examined several other large mergers, including US Airways attempt to buy Delta out of bankruptcy in 2006 (an effort that was ultimately abandoned), Delta/Northwest in 2008, United/Continental in 2010, and Southwest/ AirTran in 2011. While concerned about the effects of these mergers on consumers and competition, he was also cognizant of the serious economic pressures the airline industry was under. Opening the hearing examining the United/Continental merger, he stated "[a]t the outset, I should stress that we consider this merger with an open mind and do not reflexively oppose or support the merger. We are mindful of the difficulties faced by the airline industry today. In the last decade, the airline industry has faced unprecedented challenges from the devastating tragedy of 9/11 and crippling increases in fuel prices to bankruptcies and a drop in travel due to the economic downturn." But he also pointed out, that in examining that merger, "we must ask [the] critical question . . . : How will the loss of competition between these two national systems impact airfare and service?"

Sen. Kohl also spent considerable effort regarding the difficulties faced by Milwaukee's hometown airline, Midwest Airlines, and protecting air service into Milwaukee. He opposed Airtran's efforts to buy Midwest in 2007, pointing out that Midwest was "an airline that offers reasonably priced excellent service . . . and gives Wisconsin residents like me excellent connections to the major business centers around the country. [It is] most important to Wisconsin's economy." He opposed this proposed transaction, and AirTran ultimately dropped its bid. Midwest was ultimately acquired by Republic Airlines in 2009.

After Southwest announced its intention to acquire AirTran, Sen. Kohl held a field hearing in Pewaukee, WI in February 2011 to examine the effect of that merger on the Milwaukee and southeastern Wisconsin market. Southwest and AirTran both competed in Milwaukee. Southwest entered the Milwaukee market in November 2009 and had a 9% market share in Milwaukee prior to the merger. AirTran underwent major expansion in Milwaukee in recent years and had a market share of 27% prior to the merger.

After Southwest announced its intention to acquire AirTran, Sen. Kohl held a field hearing in Pewaukee, WI in February 2011 to examine the effect of that merger on the Milwaukee and southeastern Wisconsin market. Southwest and AirTran both competed in Milwaukee.

At the hearing, Sen. Kohl noted that “The growth of air travel in recent years at Mitchell Airport has been essential for travelers throughout the Milwaukee region, and has been vital for our economic growth. In these difficult economic times, it is critical that Milwaukee have convenient, reliable and inexpensive air service to other vital business centers. And vigorous airline competition has been the key to the growth of air service at Mitchell Airport. We must take care that nothing in this merger will degrade airline competition here.” In response to questions at the hearing, both Southwest’s and Airtran’s CEOs pledged to continue and grow AirTran’s presence in Milwaukee, and argued that the merger would benefit national airline competition by giving Southwest additional capabilities and enabling it to enter important new markets. The merger was approved by the Justice Department in April 2011.

Sen. Kohl also closely monitored international aviation alliances, and efforts by international air carriers to gain antitrust immunity for their alliance activities, including joint fare setting and scheduling. The Department of Transportation has the power to grant such antitrust immunity for international airline alliances. Several such applications were filed during Sen. Kohl’s tenure, including Continental Airlines’s application to join the United/Lufthansa Star alliance and American and British Airways effort to gain antitrust immunity for their OneWorld alliance, both in 2009. While these alliances offered efficiencies and greater route networks for their participants, they also reduced the number of independent competitors on international routes, raising competition concerns. Sen. Kohl offered his comments regarding the likely competitive effects of these alliances in letters to the Department of Transportation, including these two 2009 alliance applications.

Freight Railroad Industry

Another major initiative for Sen. Kohl and the Antitrust Subcommittee was his efforts to repeal the antitrust exemptions enjoyed by the freight railroad industry. The railroad industry is a highly concentrated industry with four large freight railroads controlled nearly 90% of the nation’s rail shipping, as measured by revenue. The industry is the beneficiary of obsolete and wholly underserved exemptions from most aspects of antitrust law. As a result, rail shippers – including electric utilities that ship coal, farmers shipping grain, and chemical companies shipping raw materials and finished products – complain of anticompetitive practices by the large railroads but

have little recourse under antitrust law. This issue was particularly of concern to many Wisconsin businesses, including the power industry dependent on rail transportation of coal, agricultural shippers, and the paper industry.

As Sen. Kohl noted in a 2007 interview,

Another priority [for me] is to help captive shippers by repealing the railroad antitrust exemption. These captive shippers are the many companies that need the freight railroads to obtain their raw materials or to get their products to market – for example, utilities that need coal for their power plants or farmers who ship grains. Captive shippers believe they are held hostage by the fact that there's only railroad that serves them. The railroads can take advantage of this lack of competition, and we have to take a look at that and see how we can modify some of the real damage that occurs when this lack of competition is, in fact, the case. A good place to start would be elimination of the railroad industry's obsolete antitrust exemption so that shippers injured by anticompetitive conduct have recourse to antitrust remedies.

Beginning with the 108th Congress in 2006, and in every Congress afterwards, Sen. Kohl introduced his bipartisan Railroad Antitrust Enforcement Act. This bill would repeal every antitrust exemption protecting the freight railroad industry, and restore full antitrust enforcement authority to the Justice Department, Federal Trade Commission, state Attorneys General over anti-competitive conduct, and mergers and acquisitions, in the freight railroad industry. It garnered the support of a widespread coalition of over 300 rail shippers and trade associations in the electric power, agricultural, chemical, and paper industries (who formed the Coalition United for Rail Equity (CURE)), over twenty state attorney generals, and leading consumer groups. The bill passed the Judiciary Committee in each of three Congresses (the 110th, 111th, and 112th Congresses in 2007, 2009, and 2011). Each Congress saw this effort gain increasing momentum and support.

Agriculture

Throughout his service on the Antitrust Subcommittee, Sen. Kohl focused on competition in the agricultural sector of the economy. The agricultural sector underwent considerable consolidation in this period among food processors and other agribusiness concerns. This consolidation created large agricultural conglomerates, leaving farmers with fewer and fewer purchasers for their products and thereby diminishing competition for their products. The problem of the disparity of bargaining

power between farmers and processors, and of food processors gaining near-monopsony buying power, was closely examined at the Antitrust Subcommittee.

Sen. Kohl held several hearings examining competition in the agricultural sector during his tenure on the Antitrust Subcommittee. One notable hearing was his 2008 examination of two acquisitions planned by the large meatpacking conglomerate JBS/Swift. Opening the hearing, Sen. Kohl remarked that “[r]ecent years have witnessed an enormous transformation in the agriculture industry. Disparity in market power between family farmers and large agribusiness firms all too often leaves the individual farmer and rancher with little choice regarding who will buy their products and under what terms.” Turning to transaction under review, Sen. Kohl noted that [b]y reducing the number of major buyers for ranchers’ cattle from five down to three, and in some regions even two, this deal will give the remaining beef processors enormous buying power. With little choice to whom to sell their cattle, ranchers will increasingly be left in a ‘take it or leave it’ position.”

In June 2008, Sen. Kohl sent a letter to the Justice Department concluding that the merger was anticompetitive and that it be blocked. The Bush Justice Department – not known as particularly aggressive with respect to antitrust enforcement – subsequently decided to block a major component of this transaction – JBS Swift’s planned acquisition of National Beef.

In 2010 and 2011, the Justice Department and US Department of Agriculture jointly conducted a series of workshops on agricultural competition issues in several locations across the country. Sen. Kohl made a major contribution to these workshops by testifying at the session on June 25, 2010 in Madison, WI with Secretary of Agriculture Varney and Assistant Attorney General for Antitrust Varney. Sen. Kohl noted that “when processors gain too much market power and too much leverage, farmers suffer and lose the benefits of a competitive market.” He announced plans to develop a working group in Wisconsin to further analyze and make policy recommendations to address competition, consolidation and other issues impacting the dairy industry in the state. He also called for spot market pricing to be transparent, noting allegations of price manipulation in the spot market for cheese on the Chicago mercantile exchange.

Sen. Kohl also examined allegations of anticompetitive practices in genetically modified seed industry. The Antitrust Subcommittee received a number of complaints from seed manufacturers of allegedly anticompetitive behavior by Monsanto with respect to genetically modified seeds for soybean and corn. Monsanto manufactures

seeds with genetic modifications to make them resistant to weed killers and insecticides. Some competitors, including Dupont, alleged that Monsanto was improperly refusing to license these biotech seed technologies, harming the development of competitive generic versions of these genetically modified seeds. Sen. Kohl inquired into these allegations at several antitrust oversight hearings, and the Justice Department launched an investigation into these allegations. This investigation was concluded late in 2012 with no action taken.

Antitrust Reform Legislation

Beyond the five bills mentioned above (the Satellite Home Viewer Improvements Act, the Preserve Access to Affordable Generics Act, NOPEC, the Discount Pricing Consumer Protection Act, and the Railroad Antitrust Enforcement Act), Sen. Kohl was a lead sponsor of four pieces of antitrust reform legislation. Each of these measures was ultimately enacted into law.

In 1999, Sen. Kohl co-sponsored with then-Judiciary Chairman Hatch the 21st Century Acquisition Reform and Improvements Act (S. 1984). This bill was enacted into law in 2000. This bill enacted reforms to the government pre-merger review process, including raising the monetary thresholds making a transaction subject to pre-merger review by the Justice Department or FTC.

In 2004, Sen. Kohl sponsored with then Antitrust Subcommittee Sen. DeWine, and Sens. Hatch and Leahy, then Chairman and Ranking Member of the Judiciary Committee, the Antitrust Criminal Penalty Enforcement and Reform Act. The bill was enacted into law by the end of year, and had three central provisions. The first reformed the standard under which Justice Department antitrust settlements were reviewed by the federal courts. It strengthened the standard of review for these settlements to determine that they were in the public interest, in response to criticism that such settlements were too often “rubber stamped” by federal judges after they were agreed to by the Justice Department, contrary to the intent of the Tunney Act, the federal statute requiring court review of settlements. Discussing this legislation in a 2007 interview, Sen. Kohl explained that “I strongly believe that before these antitrust settlements are finally blessed by courts, we need to be sure that the courts have actually determined, after conducting a meaningful review, that they reflect the public interest. So I think the courts have the responsibility to take a look at these settlements and be comfortable that we’re talking about settlements that are not just in the interest of the competing parties but that they are in the interests of consumers, whose interests are paramount.”

A second central provision of the 2004 legislation raised criminal fines for violations of antitrust law. Finally, the bill authorized what is known as an antitrust leniency program at the Justice Department. This would permit those who voluntarily revealed a criminal antitrust conspiracy to only face single, rather than treble, civil liability for their conduct violating antitrust law. This program created a strong incentive for participants in illegal antitrust conspiracy to reveal the conspiracy to the Justice Department, and greatly assisted in the detection of criminal antitrust conspiracies.

In 2005 the Antitrust Investigative Improvements Act, co-sponsored by Sens. Kohl and DeWine was enacted into law. This bill gave the Justice Department the ability to obtain wiretaps in criminal antitrust cases, upon showing of probable cause.

In 2010, Sen. Kohl's Antitrust Criminal Penalties Enforcement and Reform Act of 2004 Extension Act (S. was enacted into law. The 2004 legislation authorizing the Justice Department's leniency program had a 6 year term. This legislation reauthorized this very successful program for an additional ten years.

Antitrust Oversight

Sen. Kohl engaged in extensive oversight of the Justice Department's and Federal Trade Commission's antitrust enforcement efforts during his tenure leading the Antitrust Subcommittee. Typically once every Congress, Sen. Kohl would hold (or be ranking member on) oversight hearings in the Antitrust Subcommittee, at which the Assistant Attorney General for Antitrust and the FTC Chairman would testify. This would be an opportunity for Sen. Kohl to ask the critical questions of antitrust enforcement and the priorities of the antitrust agencies. Sen. Kohl opened his 2010 antitrust oversight hearing by noting that "[v]igorous and aggressive enforcement of our Nation's antitrust laws is essential to ensuring that consumers pay the lowest possible prices and gain the highest quality goods and services."

Sen. Kohl was particularly critical of the decline in antitrust enforcement in the Bush Justice Department in the first decade of the 2000s. As he noted at an Antitrust Subcommittee hearing in May 2008, [p]reviously unthinkable mergers among direct competitors in many . . . highly concentrated industries affecting millions of consumers have been approved by the Justice Department, often over the reported objections of career staff. . . . In this era of rising prices and ever increasing consolidation, the need for vigorous enforcement of the antitrust laws has never been greater."

Sen. Kohl also played a leading role in the Judiciary Committee's confirmation hearings for nominees to be Assistant Attorney General for Antitrust in the Justice

Department. These include the nomination of Joel Klein in President Clinton's administration, the nominations of Charles James, Hew Pate, and Tom Barnett in President Bush's administration, and the nominations of Christine Varney and Bill Baer in President Obama's administration. As he noted at the confirmation hearing for Bill Baer in July 2012, "the position of Assistant Attorney General for Antitrust carries with it a special burden, and a special responsibility. The companies over whom the Antitrust Division has jurisdiction have ample resources to hire skilled and talented counsel to represent their best interests. But no one represents the interests of the American consumer other than the Antitrust Division. If you are confirmed, millions of consumers will be depending on your efforts and your judgment."

International Antitrust Issues

During his tenure on the Antitrust Subcommittee, Sen. Kohl devoted considerable attention to international antitrust enforcement issues, particularly with respect to the antitrust enforcement activities of the European Union's antitrust agency, the Directorate General - Competition of the European Commission (EC). As globalization of the international economy continues to increase, an increasing amount of American business activities and transactions affected the European market and were subject to the competition policies and enforcement authority of the EU.

Sen. Kohl explored three issues of concern identified by the American business community. First, there were allegations voiced by several American companies that transactions entered into by American companies were being reviewed with greater scrutiny and that efforts were being made to "protect" foreign nations' industries under the guise of competition policy. A second concern involved issues of procedure. American companies complained about the lack of transparency and procedural uncertainties in the international merger review process. Third, and perhaps most important, many antitrust experts and commentators were concerned with instances of divergence on the substantive standards applied by U.S. antitrust regulators and those of foreign jurisdictions, particularly the EU, when reviewing mergers and other antitrust issues.

Additionally, the Subcommittee focused attention on the problems faced by U.S. businesses by multiple, expensive, and potentially conflicting antitrust mandates by numerous international jurisdiction outside the EU, especially in Asia and the emerging economies of the third world. Concerns were raised on occasion by U.S. companies of irregularities in antitrust enforcement in various Asian nations, including Japan and China.

Sen. Kohl placed priority in resolving these issues, by among other things, meeting with several EU Commissioners for Competition and sending letters on international antitrust issues to the EU competition authorities. As he explained in a 2007 interview, “we have worked to harmonize U.S. and international antitrust enforcement . . . In the best of all possible worlds – which is hard to get at – you would have a concurrence between how we view antitrust issues and how the leading foreign antitrust authorities – such as the EC – view these issues. . . . Now, reaching this goal of complete harmonization will certainly be difficult and may not even be possible. But it seems to me that we should do a much better job of harmonizing international antitrust enforcement than we do today, especially between the U.S. and EC antitrust enforcement agencies.”

“Justices have a solemn duty to interpret the Constitution and have the last say in what will be the scope of our rights and the breadth of our freedoms.”

Herb Kohl

Supreme Court Confirmations

Senator Kohl served on the Senate Judiciary Committee for 24 years and participated in 8 Supreme Court confirmations. He viewed Supreme Court confirmations as one of the most important roles he had as a Senator because the decisions justices make have a dramatic impact on the foundations and fabric of American society. Despite this great power, the public and Senators on the Judiciary Committee have only a brief time to examine nominees before they are confirmed for life tenure on the Court.

Whether nominated by a Democratic or a Republican president, Senator Kohl always reserved judgment on a nominee until a thorough review of the nominee’s background and record and after the confirmation hearing. In preparation, Senator Kohl convened a bipartisan Supreme Court Task Force made up of the deans of the University of Wisconsin and Marquette University Law Schools, professors, private practitioners, state and federal prosecutors, and lay-people in Wisconsin. The Task Force members researched the record of each nominee and prepared a memo for

“When it came to questioning those seeking the highest judicial offices in the land, I always thought that you made a special offering in those Committees. The questions you asked and the way you asked them really brought a great deal of recognition to this Committee at its best. And I thank you for that because time and again you have just struck the right cord with the questions you asked some of the most important nominees to ever come before the Judiciary Committee. I commend you for that and so many other things.”

Senator Richard Durbin (D-IL)

Senator Kohl. Then, prior to the hearing, Senator Kohl would meet with the group for several hours to discuss the nominee and potential lines of questioning.

During confirmation hearings, Senator Kohl used his questions to go beyond a nominee's record to get into each nominee's heart and mind in order to learn who they were and who they would be on the Supreme Court. He provided a unique perspective as one of the few non-lawyers on the committee. He focused on questions that he thought were on the minds of ordinary Americans and questions that would be important to his constituents, not only to legal scholars and court watchers. Senator Kohl also urged nominees to be more candid and forthright with the committee. He was frustrated by nominees' so guarded that they only said only just enough to get confirmed.

David Souter

When Justice Souter was nominated to the Supreme Court in 1990, he was believed to have been chosen in part because he did not have an extensive record that could be dissected and used against him, as had happened with Judge Bork. This provided a new challenge for Judiciary Committee members, including its newest and most junior member, Senator Kohl.

As a new member of the Judiciary Committee considering his first Supreme Court nominee, Senator Kohl sought input from Wisconsin's legal community through a bipartisan Supreme Court Nomination Task Force. He convened a panel to review what little was in then-Judge David Souter's record and to discuss the Constitutional issues important at the time that merited probing with the nominee. This began a tradition of using a bipartisan

"On behalf of the American people, we will be having a conversation with you over the next few days. If you are confirmed it is the last conversation we can have about basic constitutional issues. So, in these next few days, we must make an extra effort to get to know you and you must make an extra effort to help us do that. The burden of proof rests on you and only you can discharge it."

From Senator Kohl's opening statement at the hearings on the confirmation of Justice David Souter

Supreme Court Nomination Task force for all of the nominations considered during Senator Kohl's 24 years on the Judiciary Committee.

On the first day of Judge Souter's hearing, Senator Kohl made his opening statement and outlined his own test for Supreme Court nominees which he would use for the next 20 years- judicial excellence. Judicial excellence had four main elements which Senator Kohl explained: (1) competence, character, temperament to serve, and a keen understanding of the law and the ability to explain it in ways that the American people understand; (2) values which form the core of our political and economic system. No ideological purity, but dedication to equality, civil rights and liberties; (3) compassion and the ability to recognize real people and real problems. He quoted Justice Black, "The Courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered or because they are non-conforming victims of prejudice and public excitement." And finally: (4) candor before confirmation. Supreme Court justices have enormous power and the public needs and deserves to know what he or she thinks about basic issues - abortion and privacy, civil and individual rights, the balance of power and separation of church and state. Nominees need not say how they will rule on specific cases, but they should share views about basic constitutional doctrine.

As the most junior member of the committee, Senator Kohl was the last member to question Judge Souter. By the time his turn came, nearly one hundred questions had been asked. But Senator Kohl was the first with this simple yet poignant question -- why do you want this job? Souter answered that he would be given the greatest power, the power to preserve and protect. Senator Kohl focused on *Roe v. Wade*, asking him what his feelings were about the case when the decision was announced. Souter was cautious in his answer and said that he only remembers switching back and forth between arguments and playing devil's advocate. Senator Kohl pushed him on his opinion. Finally, Souter said had not made any commitment in his mind as to what he would do if he were on the court for that decision. This was significant because in the past nominees would simply avoid the question by saying in so many words that it would be inappropriate for them to answer that question because a similar case could come before them. This rote answer suggests that they had a view, but just didn't want to share it. Here, Souter readily admitted that he hadn't formed an opinion.

Senator Kohl asked about myriad other items, from how Souter felt about cameras in federal courts to antitrust to civil rights. Senator Kohl's final question was a

last attempt to get to know Souter as a person and not merely a judge. He quoted Justice Brandeis who once said, “You can judge a person better by the books on his shelf than by the clients in his office,” and asked him what he has read and what he has learned from his reading. Judge Souter said that he has many books that he hasn’t read yet, but his favorite books and authors ranged from historical books about the New Deal to everything of Faulkner, Fitzgerald, and Hemingway. Perhaps the most illuminating part of his answer was when he said that his clerks thought he lived “too sheltered a literary life” and one of them got him to read Fear and Loathing in Las Vegas.

When the Judiciary Committee met in executive session to consider Judge Souter’s nomination, Senator Kohl announced his intention to support Judge Souter. He said that he still had some reservations, but “on balance, I believe [Judge Souter] will make a good justice.” Senator Kohl was concerned that Judge Souter did not explicitly

Senator Kohl was named “Rookie of the Year” by National Public Radio’s Supreme Court reporter Nina Totenberg at the conclusion of the hearings on Justice David Souter

recognize a woman’s constitutional right to reproductive choice. However, the senator’s instinct proved right when Justice Souter defied expectations and voted to reaffirm *Roe v. Wade* in the landmark case *Planned Parenthood v. Casey*.

Clarence Thomas

Clarence Thomas’ initial confirmation hearings were conducted from September 10-20, 1991. However, they may be best known for the allegations of sexual harassment made by his former colleague Professor Anita Hill. But these allegations did not come until after the ordinary Judiciary Committee hearing and committee vote. It was not until two days before the scheduled full Senate vote that reports of Hill’s charges were reported in the press and the Judiciary Committee hearing was reconvened. Professor Hill’s revelations ultimately overshadowed the Judiciary Committee’s initial hearing and committee debate on the nomination, but that initial examination was particularly revealing about Thomas as a future jurist. And it was what he learned in those hearings, before Anita Hill came forward, that informed Senator Kohl’s decision to oppose Thomas’ confirmation.

Then-Judge Thomas had been on the DC Circuit Court of Appeals for a little more than a year when, in 1991, President George H.W. Bush tapped him for the Supreme Court to replace Justice Thurgood Marshall. Though Thomas had scant judicial record, he did have an extensive paper trail of speeches and testimony before Congress as head of the Equal Employment Opportunity Commission. After reviewing these materials and again tapping his bipartisan Supreme Court Task Force, Senator Kohl focused on questions with a “humanistic” approach. He wanted to be able to “draw a picture of Thomas, the person. What he’s like, his values, how he thinks and feels” for the American people.

When Senator Kohl met with Thomas prior to his hearing, Thomas told him not to believe what he had read in the press -- that we would see “the real Judge Thomas” at the confirmation hearings. In his opening statement, Senator Kohl pressed Thomas not to hedge and not to give answers prepared for him by others. “Judge Thomas, we do not have to agree with you on everything, but we do have to be sure that you have firm beliefs and reasoned conclusions about the role of courts, the Congress, and the Constitution. And we do have to be sure that what you say to this committee today, comports with what you have said to others in the past.” After delivering his opening statement, Senator Metzenbaum (D-OH) passed Senator Kohl a note, “Congratulations – best statement made today.”

As with Souter, Senator Kohl was again the last senator on the committee to question Thomas. Nevertheless, Senator Kohl had a significant exchange with Thomas about abortion. Senator Kohl asked, “As Clarence Thomas the man, the

“If confirmed, you may serve for 30 or 40 years, decades in which you will shape the nature of our country. Before we decide whether to entrust you with this power, we ask that you stand before the public and explain your views, express our hopes, and expound on your approach to the bedrock principles that guide us as a Nation. We have an obligation to find out where you will take us before we decide whether we want you to lead us there.”

From Senator Kohl’s opening statement at the hearings on the confirmation of Justice Clarence Thomas

human being, do you have a personal view on whether society ought to provide women with the option of having an abortion?" Thomas responded that whether or not he had a view was "irrelevant." Senator Kohl continued to press him and asked whether he had discussed the *Roe v. Wade* decision with anyone when it was announced. Thomas said no. The incredulity of that answer reinforced Senator Kohl's serious concerns about Thomas.

Following this initial hearing and on the eve of the Judiciary Committee's business meeting to vote on Thomas, Senator Kohl announced his intention to vote against Thomas' confirmation. He was not believe that Thomas' responses to the questions asked by the committee demonstrated a mastery of legal issues. They failed to reveal a coherent and consistent approach to constitutional interpretation. And, they were nonresponsive to legitimate questions about basic values as opposed to future rulings.

Senator Kohl had hoped that during the hearings Thomas would articulate a clear vision of the Constitution – ideally one that included full safeguards for individuals and minorities. Unfortunately, after the hearing, Senator Kohl was unable to determine what views and values he would bring to the bench. Second, he felt that Thomas had exhibited "selective recall." Senator Kohl was also frustrated by Thomas' assertion that the policy positions he took in the past would not impact his decision on the Court. Presidents nominate candidates based on their values, and the Senate must consider them. He quoted Justice Rehnquist: "Proof that a Justice's mind at the time he joined the Court was a complete *tabula rasa* in the area of Constitutional adjudication would be evidence of lack of qualification, not lack of bias." Senator Kohl agreed with Chief Justice Rehnquist – either we judge Thomas on his complete record – as a lawyer, policymaker, as well as his youth – or we do not consider any part of his record at all.

Senator Kohl also was disturbed by what he called Thomas' "oratorical opportunism." Judge Thomas crafted policy statements apparently tailored to win the support of specific audiences – and then later repudiated these very same positions. For example, when speaking to the Federalist Society, he said that the natural law background of the American Constitution provides the only firm basis for a just, wise, and constitutional decision. Yet during the hearings he steadfastly maintained that natural law played no role in constitutional adjudication. He told another audience that Lew Lehrman's article opposing abortion was a splendid application of natural law.

Yet at the hearings he said that he had only skimmed the article and never endorsed Mr. Lehrman's conclusions.

Finally, Senator Kohl was alarmed by the answers Thomas gave to questions about *Roe v. Wade*. Most significant was his assertion to the committee that he had never discussed that decision either as a lawyer or as an individual, and that he had no views about it. Senator Kohl found this to be either a complete lack of intellectual legal curiosity or simply an untruthful statement.

The next day, September 27, the Judiciary Committee initially deadlocked at 7-7 on whether to endorse Thomas' nomination but then voted in favor of sending his nomination to the full Senate for consideration.

After Professor Anita Hill accused Thomas of sexual harassment, the legal arguments against his confirmation were overwhelmed by the explosive charges, Senator Kohl's reasons for opposing Thomas faded into the background. What ensued following Hill's allegations was utterly chaotic and undeniably partisan, an unfortunate end to what had been an informative confirmation hearing. Senator Kohl acknowledged that it was simply not possible to know what happened between Thomas and Hill. But it was clear to him that the committee and the Senate needed to reduce the partisanship in the confirmation process. "It's the American people, the ones we're supposed to serve and lead, who ultimately lose out," he noted at the conclusion of the Committee's work.

Ruth Bader Ginsburg

When her nomination was announced in June 1993, then-Judge Ginsburg was the first Democratic nominee to the Supreme Court in 26 years. Senator Kohl was pleased that President Clinton nominated someone who was broadly viewed as a moderate judge to fill the Supreme Court vacancy created by the retirement of Justice Byron White. When the nomination was announced he said "with this nomination, the President has shown that he is willing to put the overall good of the nation ahead of scoring political points." After meeting with her, Senator Kohl thought she displayed a keen intellect and independence, characteristics that are epically important for justices of the Court.

Ginsburg had a well-known track record, having served for 13 years on the D.C. Court of Appeals, and spoken extensively from the bench. The nomination was

“Today we begin a public discussion, which is the only opportunity we will have – on behalf of the American people – to engage in a conversation with you about the core concepts of our society... These issues invite all Americans to struggle with the dilemmas of Democracy. And if we discuss these issues with candor, I believe we will have a conversation the American people will profit from.”

From Senator Kohl’s opening statement at the hearings on the confirmation of Justice Ruth Bader Ginsburg

relatively non-controversial, in part because she had a well-known background so there was little to decipher or quibble about. But Senator Kohl wanted to probe her about how she looked at the places in America where there were particular problems in society, such as in gender and racial equality or education, and how she would approach them as a Supreme Court justice. Senator Kohl reconvened his bipartisan Supreme Court Task Force to review her written opinions and speeches.

When Ginsburg’s hearings began, Senator Kohl set out to learn about Ginsburg as a “whole person”.

This meant avoiding the typical technical legal questions and focusing on the non-legal issues that Congress and the country were facing. For example, at that time, Congress had failed to do anything to solve the large federal budget deficit and ever-increasing national debt. Senator Kohl asked her how she felt about this enormous tax burden placed on her grandchildren, effectively “taxation without representation.” She responded that in a democracy, it was legislators’ job, as well as parents’ job, to “care for the next generation.”

Senator Kohl also referenced a speech in which Justice Scalia said that he would not mind being stranded with Ginsburg on a desert island and asked whether she felt the same way. She treaded carefully, responding that “he is one of the people in the world who can make me laugh and I can appreciate that.” This exchange would clearly not impact her judging, but it was a rare moment during which the public watching on c-span could relate to a Supreme Court nominee as not simply a master of intellect and the law, but as a human being like any other.

Senator Kohl also engaged Ginsburg in lines of questioning about her judicial philosophy and how her life experiences might impact her decisions. He asked her whether she would be predisposed to help those fighting discrimination because she

had faced discrimination in her career, and whether her activism in the 1970s would emerge once she was confirmed to the Supreme Court and free from the legal precedent she was bound to as a court of appeals judge. He stated his own view that he didn't believe any nominee could shed their total life experience and personality when sitting on the bench. She responded that she did not expect Senators to overlook, and she would not apologize for, anything she had done in her past. She emphasized her current duty as a judge and not an advocate. She pledged impartiality rather than advocacy.

Senator Kohl was again frustrated by the extent to which Judge Ginsburg evaded

"We'd bet Sen. Herb Kohl was one of the best-prepared members of the Senate Judiciary Committee as it voted 18-0 Thursday in favor of Supreme Court nominee Ruth Bader Ginsburg. That's because Kohl (D-WI) did his homework with help from his Supreme Court Task Force... Kohl and the panel members deserve praise for taking their responsibility seriously."

Janesville Gazette Editorial
July 30, 1993

questions, and her "don't ask, don't tell, don't pursue strategy of responding." However, because she had a proven track record as a judge, he felt he had enough to judge her by and believed that she would make an excellent Supreme Court justice. He said: "[A]s I reflect on the confirmation hearing, I keep returning to how Judge Ginsburg told me she wanted to be remembered: As someone who care about people and does the best she can with the talent she has to make a contribution to the world."

Stephen Breyer

When the nomination of then-Judge Stephen Breyer was announced, Senator Kohl acknowledged the difficulty President Clinton had in filling Justice Blackmun's shoes. And while Senator Kohl expressly said that he would not take a position on the nominee until after the hearings, he praised Judge Breyer for being exceedingly bright, well respected, and independent. He thought he would be a Justice that would strengthen the Court and a nominee that would not divide the Senate. On the latter point, the senator proved correct: Judge Breyer was ultimately confirmed 87 to 9.

"Judge Breyer, as you know, John Adams once said that we are a government of laws and not men. But this is, at most, a half-truth, for ultimately, it is men and women who give meaning to the law. And so it follows that character matters, and matters a great deal."

From Senator Kohl's opening statement at the hearings on the confirmation of Justice Stephen Breyer

During Senator Kohl's courtesy visit with Breyer, they learned about an unexpected personal connection. Breyer's relatives, the Winston family, owned The Grand, an old Milwaukee ladies specialty store, and were friends with Senator Kohl's parents, founders of Kohl's department stores. This connection helped Senator Kohl get to know Breyer the person better. He urged Breyer to be forthcoming with the American people and to use the confirmation hearings to give them a sense of how he might affect their lives.

During the confirmation hearings, Senator Kohl began by asking questions that would be meaningful to ordinary Americans. He asked Breyer about the problems faced by our nation and encouraged Breyer to take the opportunity to speak openly and frankly, and perhaps not as a nominee for the Supreme Court, but as an American citizen who is intelligent, thoughtful, and has thought long and hard about the problems that we face as a country. Breyer obfuscated and ultimately said that it is a Supreme Court justice's challenge to try to make life a little better for people who are struggling. When pushed by Senator Kohl, he raised his strong belief in antitrust law that ensures competition and fairness for consumers.

Senator Kohl also pressed him on an issue the senator had recently raised in committee hearings and legislation -- court sanctioned confidential settlements that shield the public from information regarding dangerous products. Breyer was sympathetic to the concern and said that no court should stand silent when it sees an immediate and serious risk to health or safety. But, he said that it is Congress's job to review any problems with court secrecy, and if Congress determines that courts are not drawing the line properly regarding what should and should not be withheld from the public, then Congress ought to change that line.

Senator Kohl raised issues of antitrust and competition, subjects on which Breyer had focused while at the Justice Department and as Chief Counsel to the Judiciary Committee. The senator asked Breyer about vertical price fixing, when manufacturers attempt to set the retail price of their products, thereby restricting discounting. Breyer reaffirmed his own personal opinion that laws against retail price maintenance were sound antitrust law and especially helpful to consumers because they bring about lower prices. As a Justice, Breyer would write a strong dissent in the case *Leegin v. PSKS Inc.* which overturned nearly 100 years of precedent establishing that vertical price fixing was illegal.

Before voting to confirm Breyer, Senator Kohl again raised his concerns with the confirmation process and the fact that Breyer only answered questions when he wanted to – or when he felt he needed to. “I point this out not to chastise Judge Breyer, whom I respect. But I cannot ignore a nominee’s unwillingness to answer reasonable questions. Indeed the process demands that we should not.”

John Roberts

Then-Judge John Roberts was nominated in July 2005 to fill the vacancy left by Justice Sandra Day O’Connor after she stepped down to care for her husband, who was suffering from Alzheimer’s disease. However, when Chief Justice Rehnquist passed away in early September, President George W. Bush withdrew his nomination for Justice O’Connor’s vacancy and nominated Roberts to become Chief Justice. Senator Kohl met with Roberts and questioned him closely regarding several issues, including his views on the right to privacy and his judicial philosophy. He also convened his bipartisan Supreme Court Task Force to help review Roberts’ record.

“You will likely be the most influential Justice of your generation. During these decades, you will help shape the nature of our country and our democracy. It will be your job to give life and meaning to the broad and lofty promises of the Constitution – such essential principles as ‘due process’, ‘equal protection’, and ‘free speech’ – and to stand up for the rights and civil liberties of the underrepresented and unpopular.”

From Senator Kohl’s opening statement at the hearings on the confirmation of Justice John Roberts

Roberts came before the Committee as the first nominee to the Supreme Court in 11 years. Roberts had only a brief record as a Court of Appeals judge, but many writings as a young lawyer in the Reagan Justice Department. As always, Senator Kohl approached the nomination with an open mind and convened his bipartisan Supreme Court Task Force to help review his record and recommend lines of questioning to Senator Kohl.

During Roberts' opening statement, he referred to a Supreme Court Justice as a baseball umpire, "I will remember that it's my job to call balls and strikes and not to pitch or bat." Senator Kohl expressed skepticism with this analogy in his opening round of questions. He pointed out that in 1954, the Supreme Court justices who decided *Brown v. Board of Education* were willing to step outside of the box, to break new ground, and to strike an entirely new and positive direction for this country. These were not umpires simply calling balls and strikes. He challenged Roberts' analogy: Do judges merely operate as automatons? Don't they bring their life experiences and philosophies to the bench in deciding cases?

Under Senator Kohl's questioning, Roberts admitted that judges are not automatons and that judges do bring their life experiences to the bench, but they are supposed to do their best to interpret the law and the Constitution according to the rule of law, not their own preferences or personal beliefs. Roberts' also acknowledged that his "judge as umpire" analogy did not work with respect to the Supreme Court deciding which cases to hear, an area in which the Justices have considerable discretion.

Senator Kohl's questions revealed other important insights into Roberts' views. For example, upon questioning from Senator Kohl, Roberts recognized the validity of the *Griswold v. Connecticut* decision, which protected the right to privacy, a fundamental underpinning of the *Roe v. Wade* decision.

Roberts' confirmation split the Democratic caucus – 22 voted in favor and 22 against his nomination. Senator Kohl supported nomination, saying that he was "voting my hopes and not my fears." He did not come to the decision easily, and he had concerns about Roberts' claim of being a neutral umpire: "I worry that a Court full of neutral umpires would not have decided *Brown v. Board of Education* or other cases in which the Court moved America forward. Modesty is to be respected to a point, but

not when it stands in the way of progress. Historically, the Courts have often succeeded when our democratically elected branches could not.”

Samuel Alito

In October 2005, after the failed nomination of White House Counsel Harriet Miers (whose last courtesy meeting with was Senator Kohl), President Bush nominated then-Judge Samuel Alito, to fill Justice O’Connor’s seat on the Court. Unlike Chief Justice Roberts, Alito had a judicial record from his 15 years on the Third Circuit Court of Appeals. Alito also worked in the Reagan Justice Department in the 1980s. There were several significant documents regarding his record, including a job application Alito submitted for a political position with the Justice Department in which he stated that he disagreed with several important Warren Court decisions and that he did not believe that the right to an abortion was protected by the Constitution.

Senator Kohl met with Alito during his courtesy visit to the Senate and reactivated the bipartisan Supreme Court Task Force. Work continued throughout the holidays to prepare for Alito’s January hearing.

At the confirmation hearing, Senator Kohl questioned Alito thoroughly regarding his judicial philosophy, his views on the role of a Judge and the Supreme Court, and his record as an appellate judge. Senator Kohl also questioned Alito regarding several statements on his 1985 job application to the Justice Department. Alito disavowed several of these statements, including his disagreement with the concept of one person/one vote. Many of his answers were evasive. For example, when asked to explain his 1988 statement that Judge Bork was the best Supreme Court nominee of the century, Justice Alito

“If confirmed, you will write the words that will either broaden or narrow our rights for the rest of your working life. You will be interpreting the Constitution in which we as a people place our faith and on which our freedoms as a nation rest. And, on a daily basis, the words of your opinions will affect countless individuals as they seek protection behind the courthouse doors.”

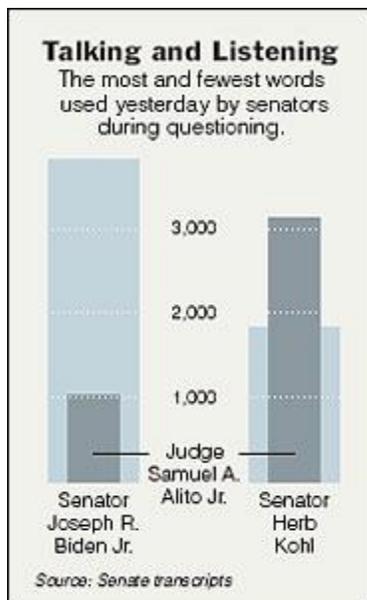
From Senator Kohl’s opening statement at the hearings on the confirmation of Justice Samuel Alito

claimed he made that comment merely because he served in the Reagan administration. He even failed to answer a simple question as to whether he favored term limits for federal judges.

In order to get a sense of how Alito would change the court, Senator Kohl asked how Alito was like or unlike Justice Sandra Day O'Connor, whom he would be replacing. Alito said he would "try to emulate her dedication and her integrity". He said, "I am my own person," in a way that seemed to purposefully avoid aligning himself with her judicial philosophy or ideology.

Senator Kohl was frustrated by Alito's unwillingness to engage with the committee regarding the *Bush v. Gore* decision. Senator Kohl asked whether the Supreme Court was correct to take the case in the first place. Alito responded that he didn't know and that he hadn't studied it fully. Of course, the facts and circumstances of the case were well known and one would hope that any lawyer would have given some thought to it, but Alito evaded the question.

Senator Kohl received extensive plaudits in many national media outlets for the incisive nature of his questions. Further, at a hearing at which many Senators were criticized for the length of their questions – which often resembled speeches rather than inquiries – the New York Times noted that, of all 18 senators on the Judiciary Committee, Senator Kohl spent the least amount of time asking questions and the most amount of time listening to the nominee.



After much deliberation, Senator Kohl decided he could not vote in favor of Alito's confirmation. He believed that Alito was simply too restrictive and conservative in his views. In announcing his opposition, the senator spoke about the individuals who had the courage to seek justice from the court and whose names are now familiar – *Brown v. Board of Education*, *Gideon v. Wainwright*, *Baker v. Carr*, *Miranda v. Arizona*. He expressed a concern about how Judge Alito would view the next *Brown* or *Gideon* and concluded that it was unlikely that Judge Alito would side with the future seekers of justice.

Senator Kohl based his concern about Alito's narrow

judicial philosophy on Alito's 1985 job application in which he took issue with Warren Court decisions that established one-person/one-vote, Miranda rights, and protections for religious minorities. "These statements leave the clear impression that his antagonism toward these decisions – decisions that helped religious and racial minorities receive protection from majority abuses – motivated Judge Alito's pursuit of the law," stated Senator Kohl. The applications also suggested that Alito would have restrictive views of Constitutional liberties, such as a woman's right to choose.

Senator Kohl further noted that, by 2006, Alito's judicial philosophy as a court of appeals judge suggested a well-formed philosophy of limited rights and restricted civil liberties. In *Planned Parenthood v. Casey*, he would have placed more restrictions of a woman's freedom than other conservative judges, including the woman he was seeking to replace on the court.

Concluded Senator Kohl on the floor of the Senate: "I cannot support the nomination of Judge Alito to the Supreme Court. I fear that a Justice Alito will narrow our rights, limit our freedoms, and overturn decades of progress. To confirm Judge Alito to the Supreme Court would be to gamble with our liberties, a bet I fear the Constitution – and the American people – would lose... Judge Alito has the right to see, read, and interpret the Constitution narrowly. And we have the obligation to decide whether his views have a place on the Supreme Court. I have decided they do not."

Sonia Sotomayor

Senator Kohl's Judiciary Committee tenure came full circle with the nomination of Judge Sonia Sotomayor, who was chosen to replace Justice Souter, the first Justice whom he helped confirm. She was the first nominee of Hispanic heritage and only the third woman to be nominated to the high court. Senator Kohl activated his Supreme Court Task Force and met with then-Judge Sotomayor. In addition to the usual questions about judicial philosophy, Senator Kohl urged her to be candid and forthcoming in her confirmation hearings so that the American people could hear more than platitudes and vague promises to uphold the rule of law. They also discussed her love of sports, especially baseball.

Prior to the hearing, much attention had been paid to a line Sotomayor used in several speeches, "I would hope that a wise Latina woman with the richness of her experiences would, more often than not, reach a better conclusion." Senator Kohl did not see these words, taken out of context by critics, as a liability. In fact, he thought her

diversity in experiences would bring value to the Court. As he said in his opening statement, “Your nomination is a reflection of who we are as a country and it represents an American success story that we can all be proud of... as a judge, you have brought a richness of experience to the bench and to the judiciary which has been an inspiration for so many.”

In his opening statement, Senator Kohl echoed the theme woven into all of the confirmations in which he participated – the great impact Supreme Court decisions have on Americans: “A Supreme Court Justice must be able to recognize that real people, with real problems are affected by the decisions rendered by the court. They must have a connection with and an understanding of the problems that people struggle with on a daily basis. Justice, after all, may be blind, but it should not be deaf.”

Senator Kohl’s questioning was well received on the committee and in the press. He elicited Sotomayor’s acceptance of *Roe v. Wade* and *Planned Parenthood v. Casey*, two landmark abortion cases upholding a woman’s right to choose, as “settled law”. He also asked about affirmative action, noteworthy because of the attention that had been paid to a decision she made while on the 2nd Circuit upholding New Haven’s affirmative action laws with respect to firefighters, *Ricci v. DeStefano*. That case was later overturned by the Supreme Court. Senator Kohl asked her whether she believed that affirmative action is a necessary part of our society today -- whether she agreed with Justice O’Connor’s opinion in the *Grutter v. Bollinger* in which she stated that racial preferences will no longer be necessary to promote diversity 25 years hence? Sotomayor acknowledged and accepted affirmative action in higher education and said that it was her

“A child of immigrants with modest means, Judge Sotomayor has risen by dint of exemplary academic accomplishment and hard work, to the cusp of confirmation to our nation’s highest court. But Judge Sotomayor is much more than just a story of accomplishment. She has shown herself to be a judge truly worthy of elevation to the Supreme Court. Both on the bench and before this Committee, Judge Sotomayor has proved that she has the necessary character, competence and integrity to serve on the Supreme Court.”

From Senator Kohl’s Senate floor statement on the confirmation of Justice Sonia

hope that in 25 years race would not be a consideration in any situation.

Senator Kohl urged Sotomayor to provide insight into her views on the importance of precedent. He raised *Brown v. Board of Education*, which overturned previous court precedent that blessed “separate but equal,” and asked when she thought it was appropriate to overturn what at the time seems to be “settled law?” Sotomayor said that changing precedent should be done cautiously, but she agreed that “precedent can’t stand if other things counsel that it should not.”

As he had in the prior Supreme Court hearings, Senator Kohl was noted for being the member who spent the least amount of his time talking, instead letting the nominee respond to questions. As noted by Fox News, he spoke for only 10 of his 30 minutes of questioning.

Senator Kohl was pleased to get a few elucidating comments from Sotomayor, but he was disappointed in the confirmation process. He felt that, while she did well, she had said just enough to be confirmed. Nevertheless, he was impressed by Judge Sotomayor and strongly supported her confirmation.

Elena Kagan

When Justice John Paul Stevens announced his retirement from the Supreme Court, Senator Kohl lamented the loss of Justice Stevens: “Justice Stevens has served on the Supreme Court with the utmost integrity, honor, and Midwestern sensibility. He contributed a lifetime of experience, knowledge, legal acumen and leadership to some of the most important legal issues in our nation’s history. I thank Justice Stevens for his lifetime commitment to public service; he will be greatly missed. I look forward to confirming a nominee that will carry on his distinguished legacy.”

President Obama nominated Solicitor General Elena Kagan to replace Justice Stevens. Kagan had previously worked on Justice Ginsburg’s Supreme Court nomination for then-Chairman Biden. Reflecting on that experience, she criticized the hearing process as being a “vapid and hollow charade, in which repetition of platitudes has replaced discussion of viewpoints and personal anecdotes have supplanted legal analysis.”

Senator Kohl hoped this would mean a more meaningful confirmation hearing. This was especially important in Kagan’s case because she had no judicial record and

almost no record otherwise. Senator Kohl was noted for having challenged Kagan in his opening statement: “We have less evidence about what sort of judge you will be than any nominee in recent memory. Your judicial philosophy is almost invisible to us. We don’t have a right to know in advance how you will decide cases, but we do have a right to understand your judicial philosophy... The great dilemmas of democracy invite us to engage in a robust debate and my hope is that we can engage in a substantive and candid dialogue that will benefit not only those here on the committee, but also the public. The American people want and deserve a process that is more than what you characterized as a ‘vapid and hollow charade’ which so frustrated you 15 years ago.”

Senator Kohl led his questioning in a manner not-surprising to those who had followed his career: He asked, why do you want to be a Supreme Court justice? What issues motivate you? What things are you most passionate about? She said that she wanted to serve the country, and that it would be a great honor. Senator Kohl tried to elicit more, pushing her to explain about what she was most passionate. Kagan answered safely that she was motivated by the opportunity to safeguard the rule of law. Again, Senator Kohl pressed Kagan to provide a window into her as a person, not just a lawyer. “Thurgood Marshall cared passionately about civil rights, Justice Ginsburg had a passion for women’s rights, your father had a passion for tenants’ rights... Where are your passions?”

In an effort to get a sense of which Supreme Court justices she would more closely resemble in her judicial philosophy, Senator Kohl asked Kagan whether she considered herself more like Justice Scalia, who looks solely at the text and rejects the notion of a living constitution, or whether she agreed more with Justice Souter, who criticized the textual approach because the plain text does not resolve the conflict in many of today’s tough cases. While Kagan avoided answering the question directly, she did acknowledge that the text and original intent are not always sufficient because we live in a very different world from the framers of the Constitution.

Finally, Senator Kohl asked Kagan how she felt about allowing cameras in Supreme Court arguments. She unequivocally expressed her support.

Kagan proved herself to be well qualified, both through her record of accomplishments and her performance before the Judiciary Committee, and Senator Kohl proudly supported her confirmation. However, he did so with some regret that Kagan could not be as open as he had hoped she would be.

“At times during the hearing, Solicitor General Kagan seemed to be somewhat more candid than previous nominees. She disavowed a purely originalist interpretation of the Constitution... But despite the strength of her qualifications, like so many other nominees before her, General Kagan often retreated to the generalities and platitudes that she once criticized... In my opinion, she made small in-roads, but we still have a long way to go in meeting the high standard to which we should hold Supreme Court nominees during their confirmation hearings.”

“The attacks of September 11 brought with them the realization that our...sophisticated planes, submarines, and missiles cannot deter a terrorist attack, and cannot protect us from the unconventional attacks that we now know al-Qaida terrorists were contemplating...To the best of our abilities, we will take all precautions to deny these terrorists the opportunity to strike again.”

Herb Kohl, September 11, 2002

Defending our Nation

Herb Kohl came to Washington in 1989, as the Cold War was coming to a close. He recognized early on that the United States would face a different set of threats in the coming years. “We had to adapt to a new set of challenges – stopping terrorism and the spread of weapons of mass destruction,” Kohl remembers. “At the same time, we had to stop wasting money on weapons we no longer needed and could no longer afford. But most importantly, we had to stand up for our troops and veterans, who would be asked to sacrifice so much to keep us safe.”

Kohl was focused on this goal from his first year in office, when he introduced legislation to address the threat of biological weapons, such as smallpox and anthrax. This legislation closed a key loophole that made it difficult to prosecute those who manufactured or distributed these deadly bacteria and viruses. The United States had signed the Biological Weapons Convention to stop the spread of these weapons internationally. However, Kohl recognized at the time that, “There is no law that permits the authorities to stop the weapon from being produced in the first place.”

“Passage of such legislation at this time would give a clear signal to the world that the United States is serious about controlling the proliferation of biological weapons...The legislation is timely and important.”

Assistant Secretary of State H. Allen Holmes on Senator Kohl’s Biological Weapons Anti-Terrorism Act

Many were surprised to see a freshman senator taking on such a tough national security issue. “He was the new kid on the block,” said John Isaacs of the Council for a Livable World. But Kohl pressed his case and won the support of senators on both sides

of the aisle and secured the endorsement of the President George H.W. Bush's Administration.

Kohl's legislation was signed into law in 1990. Since then, it has been a valuable tool for law enforcement to stop the production of biological weapons, and violators continue to be stopped and held accountable under the law.

Senator Kohl also brought an early focus on counter-terrorism to Washington, and redoubled those efforts after the tragedy of September 11, 2001. Senator Kohl coauthored the bipartisan *Omnibus Counter-Terrorism Act of 1995*, which went after fundraising by terrorist groups, increased FBI resources, and simplified deportation procedures for foreigners engaged in terrorism. As the top Democrat on the Terrorism Subcommittee of the Judiciary Committee, Kohl helped lead a major investigation into the events of Ruby Ridge. These hearings took 14 days and called 62 witnesses, and were widely praised for their bipartisan and professional nature. Kohl was also a leader of ground-breaking hearings on home-grown terrorist movements, as well as the disturbing availability of bomb making information on the internet.

After September 11, 2001, Senator Kohl went back to work to address the flaws in our nation's security systems. He built on earlier work to ban firearms that

Yesterday America suffered an attack. A tragedy. A horror. But yesterday, America did not suffer a defeat.

Today, here in Washington, DC, in New York City, and across the country, we will continue our rescue operations, we will mourn our dead, we will call relatives and hold our families a little tighter. But we will also return to work, to school, and to our lives of freedom.

These cowardly terrorist attacks have shaken our nation, but they have not broken our nation. We awake today with a renewed resolve to protect our citizens and punish the monsters who have carried out this atrocious attack – and the countries who have opened their borders to these monsters.

We all feel uneasy today and understandably so. But, we must not allow that feeling to overcome us. If we do, it is the terrorists who prevail. Yes, we must take all the security precautions necessary to ensure that this does not happen again, but at the same time we must live our lives freely to the fullest extent possible. Our greatest revenge against the terrorists is to resume all of our activities and to demonstrate America's resilience and strength of spirit.

Yesterday was one of America's darkest days. We have lost lives, friends, landmarks, and our sense of unfettered security. But we have not lost our spirit or our will to fight for and keep our freedom. Every American, as [they] resume [their] daily activities, is part of that fight. And I have no doubt that it is a battle against terrorism and tyranny that we will win.

**Senator Herb Kohl
September 12, 2001**

Too often in the past, the Congress has found it too easy to say 'maybe' rather than 'no' to programs which have no essential role to play in protecting our national security

We've all become all too familiar with the 'snowball effect' as it applies to the weapons and technologies considered by the Congress: The snowflake of a bright idea wins congressional approval for research and development; Money for the idea gets spread over a number of congressional districts, and contractors start packing the flakes of support into a snowball; After a few years of increasing investments for research, we are faced with an avalanche that can roll over almost anything in its path.

**Senator Herb Kohl,
August 4, 1990**

cannot be caught by metal detectors – which was supported by the National Rifle Association – with new legislation to close gaps in the laws controlling dangerous explosive materials. He pushed for pre-flight screening rules for chartered aircraft, expedited security training for flight attendants, and reforms in the federal air marshal program. Recently, legislation authored by Senator Kohl to stop illegal cigarette trafficking was signed into law – cutting off a key source of terrorist financing.

Throughout his time in Washington, Senator Kohl drew on his business experience to reduce waste in the defense budget and introduce the Pentagon to the strong manufacturing community in Wisconsin. Kohl remembers that, “I came to Washington determined to root out waste throughout the government, and that certainly included the Department of Defense. I couldn’t believe that so much money was being devoted to programs that only grew more expensive and less relevant to national security as time went by, while at the same time Wisconsin’s most efficient producers were virtually ignored by the Pentagon.”

Kohl opposed continued spending on expensive and unnecessary programs like the MX Missile, a Cold War relic that has since been decommissioned. Kohl also spoke out against the B-2 bomber, which cost taxpayers almost \$1 billion per plane. As the B-2 grew in cost and its nuclear bombing mission became less relevant, purchases were reduced to just 21 planes, from an initial plan to buy 132.

In 2001, Kohl’s Senate colleagues recognized his talent for separating promising defense programs from wasteful spending when he was selected to join the powerful Defense Appropriations Subcommittee, which is responsible for deciding how defense dollars are spent. Kohl used this seat to continue rooting out waste at the Pentagon, while connecting the most skilled and cost-

effective manufacturers in Wisconsin to defense programs that would play a critical role in protecting our national security.

One such company was Oshkosh Corporation, a manufacturer of heavy-duty trucks and a major Wisconsin employer. When roadside bombs in Iraq exposed the inadequate armor of the military's existing trucks, Senator Kohl advocated tirelessly for the armored vehicles made in Oshkosh, called *Mine Resistant Ambush Protected All-Terrain Vehicles*. Kohl refused to accept delays, and said at the time, "We should never compromise the safety of our service men and women when we have a technology that will better protect them in a war zone." Ultimately, manufacturing these trucks created over 1,000 jobs in Oshkosh, and Secretary of Defense Robert Gates credited the trucks with saving "thousands of lives" in combat.

"Since his election in 1988, Senator Kohl has been a strong supporter of and instrumental to the growth of not only Oshkosh Defense, but to the entire family of Oshkosh companies. His unwavering commitment to advocating for our men and women in uniform and ensuring their access to superior equipment, such as the Mine Resistant Ambush Protected All-Terrain Vehicle (M-ATV), has saved lives and ensured our brave service members were protected going into harm's way."

Charles L. Szews
Chief Executive Officer
Oshkosh Corporation

"Wisconsin companies are getting a bigger share of Department of Defense spending. Wisconsin has risen from 48th three years ago to 16th per capita in bringing home Pentagon dollars."

"Military Contracts March into State," Milwaukee Journal Sentinel, March 10, 2011

Senator Kohl was also instrumental in sparking a shipbuilding renaissance on the Great Lakes, with his work to help Marinette Marine secure a contract to build the Littoral Combat Ship. This ship brings speed and flexibility to the Navy as it confronts changing threats in a new century, while costing less than larger ships such as destroyers and aircraft carriers. The Littoral Combat Ship introduces a new concept to

Thank you for having us here today – Senator Carl Levin from Michigan right across the river and your own Senator Herb Kohl.

This is a happy day. We announced yesterday that we signed the contract for the next two LCSs to be built here in Marinette. Se we're going to keep you folks busy for a little while....The first ship that you built, the Freedom, deployed two years early. In its first deployment in the Caribbean, in a little bit more than three weeks, it seized almost three tons of cocaine. And the reason was that those fast boats the drug runners used would see a gray ship on the horizon and just figure they could outrun it. Well, they couldn't.

These are going to be the backbones of the U.S. Navy for the next few decades. And it's because of the skill of the workforce here – what you all have done. And thanks to these two senators – we would not be standing here today without the hard work that they did in November and December of 2010 to allow us to buy both variants – to allow us to buy the ones from here and the ones from Mobile.

And it's because you – the companies that you represent – got the price down so that we saved almost \$3 billion on buying 20 ships – 10 from here, 10 from Mobile. That's a good deal for the Navy, it's a good deal for Marinette, it's a good deal for Mobile, and it's a good deal for the United States of America.

**Ray Mabus
Secretary of the Navy
Speech in Marinette, WI
March 18, 2011**

the Navy with its mission modules – interchangeable packages of tools designed for various tasks, such as minesweeping or anti-submarine warfare. This modular design ensures that the Littoral Combat Ship will be relevant for decades to come, since changing or upgrading a mission module is a much simpler process than redesigning a whole ship.

As the Navy evaluated shipbuilders across the country to determine where Littoral Combat Ships would be built, Senator Kohl worked with Marinette Marine to make sure their bid was as strong as possible. He knew the Navy was focused on price, and he stressed the importance of keeping costs down to Marinette Marine, while also highlighting the strengths of Marinette's shipyard and workforce in frequent conversations with the Secretary of the Navy.

Both Marinette Marine and a rival shipyard submitted extremely competitive bids to the Navy, committing to fixed-price contracts to build the Littoral Combat Ship. Since these bids were stronger than expected, the Navy decided to purchase ships from both companies – a change in policy requiring approval from Congress. Despite opposition from some senators who hoped to scuttle the entire program, Senator Kohl rallied his colleagues to support the Navy's decision. Today, the workers at Marinette Marine are building the backbone of our nation's 21st Century fleet on the banks of the Menominee River – with costs coming down for each ship that comes off the line.

“Senator Kohl’s business acumen and dedication to Wisconsin’s economic growth, combined with his exemplary service as a member of the highly respected Defense Subcommittee of Appropriations, helped secure the current contract to build 10 Littoral Combat Ships for the U.S. Navy at Marinette Marine. He worked tirelessly to keep the LCS program fully funded. As a result of Senator Kohl’s determination and unflagging commitment, the number of direct employees at our shipyard has grown from just a few hundred several years ago, to almost 1500 today. Under his leadership and in recognition of his tremendous contributions, LCS-5, currently under construction at Marinette Marine, was designated the USS Milwaukee by the Secretary of the Navy. The nation will miss Senator Kohl’s guidance and steadfast commitment to the public good. We will miss him greatly as our senator.”

Chuck Goddard, President and CEO, Marinette Marine Corporation

Through it all, Senator Kohl stood up for service members, veterans, and their families. Although Kohl always looked for ways to trim the fat from the federal budget, he consistently supported funding for veterans’ health care, housing, education, job training, and retirement. In Wisconsin, Senator Kohl championed the expansion of VA medical facilities throughout the state – making sure veterans could access the health care they earned. He secured new outpatient clinics in Union Grove, Rhinelander, and Wausau; Vet Centers in Brown County, Wausau, and La Crosse; increased counseling services at the existing facilities in Milwaukee, Madison, and Green Bay; and a new spinal cord injury center at Milwaukee’s Zablocki VA Medical Center.

Early on in his career, Senator Kohl took on the sensitive task of investigating the whereabouts of troops from previous wars who were missing in action (MIA), and reports that some were still held as prisoners of war (POW). He carried out this work as a member of the Select Committee on POW/MIA Affairs. The committee found new evidence that helped families learn the fate of their loved ones, and its work was a key

“This is more than a new building. It represents hope for veterans fighting every day to overcome disability and paralysis. It represents progress in how we treat spinal cord injuries. And it represents the sacred commitment of Americans everywhere to keep faith with those who fought for our freedom.”

**Senator Herb Kohl
Dedication of VA Spinal Cord Injury
Center in Milwaukee, WI**

step in improving American relations with Russia and Vietnam. When the committee was disbanded, Senator Kohl presciently stated that, "I think there are places in government that may be better equipped to continue this work." Today, the military's Joint POW/MIA Accounting Command works every day to account for missing troops and help their families find closure.

Later in his career, Senator Kohl learned about hundreds of soldiers who were prevented from using benefits they earned after serving overseas, and he immediately set about to find a solution. The soldiers had earned extra days of paid leave, but they were not given this benefit because the government mistakenly deemed them ineligible when they came home after their deployment. Even after the mistake was corrected on the soldiers' records, the Army declared that the soldiers would only be allowed to use their leave if they went on another deployment - which many of them would never be able to do.

Many of these soldiers were members of the Wisconsin National Guard's 1157th Transportation Company, based in Oshkosh, and Senator Kohl was determined to make things right for them. "Not letting

Mr. President, I rise today to introduce the Fair Military Leave Act. This legislation fixes a problem that is preventing some of our brave service members from using benefits that they earned after serving multiple or extended deployments overseas.

In 2007, the military established the Post-Deployment/Mobilization Respite Absence Program, or PDMRA, to assist men and women who are ordered to deploy beyond the established standards for troop rotation by providing extra paid leave when they return home. Unfortunately, a mistake during demobilization prevented some soldiers from receiving the paid leave they earned. The Army's records indicate that this problem affects 577 soldiers across the country, including 80 in Wisconsin.

These soldiers have since gotten their military records corrected to reflect the days of PDMRA leave they were supposed to receive. However, the only way for these soldiers to use this benefit is to take extra paid leave on a future deployment. For those soldiers who will not deploy again or who have left the military entirely, this remedy does not work.

Mistakes happen, but they need to be fixed. The Fair Military Leave Act gives troops the option of cashing out the leave they were incorrectly denied when they came home. This solution is modeled after legislation Congress passed in the National Defense Authorization Act for fiscal year 2010. As with that bill, the Fair Military Leave Act reimburses soldiers at a rate of \$200 per day of PDMRA that they were incorrectly denied.

I am pleased to have the senior Senator from Oregon join me as an original cosponsor of this legislation. My friend from Oregon led the effort to fix the earlier problem with PDMRA benefits in the 2010 defense authorization.

The men and women of our Armed Forces have done so much for our country, and we should not drag our feet in making this right. These troops earned their PDMRA benefit, and they should be allowed to use it.

**Senator Herb Kohl
February 1, 2012**

soldiers use a benefit that we know they earned was inexcusable,” Kohl remembers. “This was government bureaucracy at its worst. The Army added the leave to the soldiers’ records, but tied it up in so much red tape that most of the soldiers would never be allowed to use it.”

Senator Kohl offered a simple solution: let the soldiers cash out their leave. His first attempt to get this done was opposed by the Army, who stuck by their interpretation of the rules for the leave. But the next year, Senator Kohl rallied bipartisan support in both the House and Senate for his solution, in legislation he called the *Fair Military Leave Act*, and convinced the Army to drop their opposition.

In one of his final acts as a Senator, Kohl achieved unanimous support from his colleagues to amend a larger defense bill to include his proposal to let the soldiers cash out their leave. His colleagues in the House, led by Wisconsin Congressmen Ron Kind and Tom Petri, had done the same in the House version of the defense bill – ensuring that the provision would be included in the final bill signed into law by President Barack Obama.

The world changed dramatically in the 24 years that Herb Kohl served in the United States Senate. The fall of the Berlin Wall heralded the end of the Cold War, while the attacks of September 11, 2001 began a renewed struggle against terrorism. Senator Kohl brought an open mind and Wisconsin’s common sense to confront the nation’s toughest security challenges. Through it all, he never wavered in his commitment to support the men and women who keep our country safe.

Wisconsin is a great place to do business, and I believe that is because we have a long history of public servants – from across the political spectrum and at every level of government – cooperating and coordinating to make sure we invest in quality infrastructure and vibrant communities. I am proud to be part of that tradition.

Herb Kohl

Wisconsin's Business Environment

“When I work with our Congressional delegation here in Washington and our state and local leaders back home, I am always impressed with how dedicated they all are to making sure Wisconsin is a great place to locate and grow a business,” says Senator Kohl. “The infrastructure projects and community revitalization efforts this entails are long-term commitments that require years of sustained effort by all involved.”

Since Kohl won a seat on the Senate Appropriations Committee in 1993, he used his position to make sure the federal government remained a solid partner in Wisconsin's investments in economic development and modern infrastructure. Many of these projects – roads, airport improvements, rail safety measures, downtown revitalization, redevelopment of wasteland, and waste water infrastructure improvements, just to name a few – don't garner national headlines. But to the people in the communities affected – people who enjoy new parklands, more efficient travel options, and, most importantly, fresh job opportunities offered by the businesses that follow the redevelopment – the projects impact and improve their lives every day.

No, Kohl did not govern by press release...No, Kohl did not engage in partisan gamesmanship or ideological warfare. He simply responded to constituents, watched out for the needs of Wisconsinites, and forged bipartisan coalitions that allowed him to cut through the gridlock in Washington more often than most senators.

Cap Times, May 16, 2011

I would like to thank Senator Herb Kohl for his service to the state of Wisconsin and to our nation. While we didn't always agree on every issue there were many times we were able to work together to help move the State of Wisconsin forward.

Rep. Tom Petri (R-WI)

Air

From the beginning of his tenure, Kohl understood the importance of reliable, safe air travel options in a state as vast as Wisconsin. Early in his career, he advocated making Wisconsin an active partner in planning the new HUB airport in Minneapolis and joined the delegation in pressing the administration to help General Mitchell airport modernize the radar equipment it used to avoid collisions during times of low visibility. Later, he expanded his attention to projects to ensure that FAA technicians have proper training; install safety equipment at Crites field in Waukesha; build a control tower at Chippewa

Valley Regional Airport; construct a taxiway at La Crosse Municipal airport; and other improvements and additions at over 25 Wisconsin airports from Kenosha Regional Airport to Manitowoc County Airport to John F. Kennedy Memorial airport in Ashland to Stevens Point Municipal Airport .

“Every one of these projects involved Wisconsin workers employed on multiyear projects improving the transportation network that brings thousands of businesses to Wisconsin and ships millions of dollars of Wisconsin product around the world,” says Kohl.

Rail and Transit

Wisconsin businesses and commuters rely on Wisconsin rail system, so Kohl dedicated himself to making sure it is effective and safe. He supported Wisconsin projects that link modes of transportation -- like the passenger rail station at General Mitchell Airport -- and others that keep Wisconsinites safe where modes meet -- like improvements at numerous rail crossings.

Kohl also worked with others in the delegation to make sure the federal government invested in mass transit, securing funds for WISDOT’s statewide bus programs; Madison’s Transport 2020; and a national initiative that rewards the sort of high quality rural transit systems found throughout Wisconsin. And Kohl was a keen supporter of programs that connect lower income Wisconsinites with jobs – like

That's a large part of why U.S. Sen. Herb Kohl and U.S. Rep. Tom Petri visited Oshkosh this week. The Democrat and Republican are working together to preserve the waivers for existing traffic, working together in a way that Kohl acknowledged is "not fashionable these days because of our party affiliations." By bringing together a diverse coalition of businesses, County Executives, law enforcement, affected industries and mayors along Highway 41, Senator Kohl is ensuring that commerce and businesses in this critical section of Wisconsin will be able to continue to operate past 2014.

**Oshkosh Northwestern editorial
May 7, 2012**

Milwaukee's Ways to Work, which makes affordable loans to families buying a car for work, and WISDOT's Job Access and Commute program, which gives grants to nonprofits offering shuttles and van pools to disadvantaged workers.

Highways

When Kohl was first elected, the formula that determined federal funding for highways was such that Wisconsin sent far more gas taxes to Washington than they received back in highway investment dollars. In 1991, Senator Kohl joined the delegation in changing that formula so Wisconsin was no longer a major donor, and then worked with them to protect that gain when it was threatened in an appropriations bill. In 1998, he helped the Wisconsin coalition to build on this success, garnering a 99% return on Wisconsin's tax dollar and a 48% increase in resources for our highways under the formula. In the last highway bill reauthorization, Kohl was part of the effort that pushed Wisconsin's return on the gas tax dollar to \$1.06, and again successfully protected that funding when 34% cut was threatened for 2009.

Add to that major victory for Wisconsin the funding Kohl has helped secure for highway projects as large as the Marquette interchange - which links three highways and one third of the state's freeway traffic to the rest of the country - or as small as the Village of Cassville car ferry, with hundreds of miles of repaired Wisconsin highways and bridges in between. In one recent, notable effort, Kohl assembled a bipartisan coalition to push to allow vehicles weighing over 80,000 pounds and traveling between Green Bay and Milwaukee on Highway 41 to be able to continue to operate after this stretch of road becomes an Interstate in 2014.

And finally, Kohl has taken an interest in projects that make Wisconsin roads not just drivable, but safe: he helped establish the State Patrol Mobile Data Communications Network; the Intelligent Transportation System, which allows WISDOT to respond quickly to safety hazards and congestion anywhere in the state; and the Commercial Vehicle and Information Systems and Networks Initiative, which aims to approve the safety and efficiency of commercial vehicle operations.

Industrial, downtown, and community development

To succeed, Wisconsin businesses need modern industrial sites to locate their plants, vibrant Main Street to sell their products, and livable communities to house their employees and customers: Senator Kohl has made it a priority to help Wisconsin businesses get all three.

He has been a steady partner in the clean-up of industrial sites in Adams County, Racine, Manitowoc, Madison, and the Menomonee Valley – where an industrial park redevelopment has turned 300 acres of brownfields into an award-winning environmental park and a draw for new businesses that have created 4200 new jobs. He participated in renewals of downtowns across the state, supporting sidewalk replacement in Superior; redevelopment of the harbor center in Sheboygan; urban renewal in Beloit; revitalization of Broadway Street in Green Bay; improvements for pedestrians in Ashland; development of the riverfront in La Crosse; enhancement of Madison’s State Street; and work with the Burleigh Street community in Milwaukee.

And finally, he fought to keep the urban infrastructure supporting all these developments in good shape. He pressed the federal government to support innovative waste water projects from Beloit to Green Bay, Madison, Racine, Sun Prairie, Superior, Waukesha, and, of course, Milwaukee. Each of these projects attracts businesses to Wisconsin, and each provides jobs for Wisconsinites who build the roads, repair the buildings, construct the storefronts, and dig the sewers for the new developments.

He has been instrumental in redefining Wisconsin’s relationship with the federal government by promoting economic development and investment. The Senator has been a great partner in our efforts to build stronger communities and a stronger state.

Milwaukee Mayor Tom Barrett

“My parents always stressed to my brothers, sister, and me that the best thing we could do to prepare for our future was to work hard in school and get a good education. They understood that education is foundational. Providing a quality education for all of our youth is the most important investment we can make in the future success of our country.”

Herb Kohl

Educating our Future Leaders

Throughout his career in the Senate and in his personal philanthropy, Senator Kohl has strived to support student learning and recognize educators who make a real difference in their schools and in the lives of children. Kohl has championed programs and introduced legislation that ensure every student has access to a great teacher and a safe learning environment, and graduates from high school with the skills they need to pursue whatever option they choose, whether they continue their education, start their career, or volunteer for military or community service.

Kohl knows that without a strong educational foundation, too many of our children don't have any options, and that isn't good enough for Wisconsin or our country. By preparing our youth with the skills they'll need for the jobs of the future, we are ensuring our businesses will have the best workers and our country the best leaders. By investing in education from our earliest learners through college and job skills training, we are really investing in our future success. As Kohl says, “For America to remain strong and prosperous, we must ensure that our children are prepared to meet the critical challenges that our country will face in the years ahead.”

The Elementary and Secondary Education Act (ESEA): No Child Left Behind

Kohl recognized the need to make important changes to the country's education laws, and in 2001 he worked with his colleagues to introduce the Public Education Reinvestment, Reinvention and Responsibility Act (“Three R's," S.303) which went on to serve as the model for the No Child Left Behind Act (NCLB). The cornerstones of Three R's were increased federal funding for education, greater flexibility for schools in using funds to meet their own unique needs, and holding schools accountable for real results. Kohl worked with his colleagues to ensure that the NCLB Act incorporated the Three R's emphasis on closing the achievement gap between poor and more affluent students, targeting Federal dollars to the neediest students and schools, expanding public school

choice, improving teacher and principal recruitment and training, and giving states and schools more flexibility in return for accountability.

Kohl understood that the time was right for real education reform: “More funding is not the only answer for the problems in our schools - we must also reform our whole approach to education. We must ensure that young people are being equipped with the skills they need to compete in a 21st century economy.”

Since 2001, Kohl has continued to work with his peers from both parties to push for much-needed changes to ESEA, including greater accountability, increased flexibility for teachers and schools in how they meet standards, and a continued focus on the achievement gap.

Kohl believes we have to do a better job preparing our youth for the jobs of the future. “We have to look at how technology can help us reach more kids and help prepare them for highly technical jobs that haven’t even been invented yet,” said Kohl. While we might not know what those jobs of the future will look like, we know the basic skills required for problem solving and spurring creativity and innovation, and also that our workers will continue to have to keep pace with advancements in technology. To that end, Kohl secured appropriations for school districts in Wisconsin to better promote the use of

Evers praises Herb Kohl’s support for education

“For nearly a quarter century, United States Senator Herb Kohl has been a champion for the children and families of Wisconsin and their public schools. He has advocated for and expanded programs that improved child nutrition and school breakfast. He also authored one of the landmark pieces of legislation for school safety. Senator Kohl understands that investments in public education are critical to Wisconsin’s economic development and long-term prosperity.

Senator Kohl also has been our state’s leading supporter in recognizing public, private, and home-school student excellence and initiative as well as great teaching. The Herb Kohl Educational Foundation annually awards scholarships and fellowships to 200 Wisconsin students, 100 teachers, and 100 schools. Senator Kohl is the major sponsor of the Wisconsin Teacher of the Year program, annually awarding grants to four outstanding teachers. Through these programs, Senator Kohl has awarded almost \$8 million to students, educators, and schools throughout the state. Senator Kohl deserves all our gratitude for personally making this tremendous commitment, which has given thousands of students the extra help they need to further their education, and thousands of outstanding Wisconsin teachers and schools recognition for excellence in the classroom.

I thank Senator Herb Kohl for his truly dedicated service to the people and communities of Wisconsin. I wish him well as he moves forward into the next chapter of his life and continues to be an advocate for all Wisconsin’s citizens and our great state.”

**State Superintendent Tony Evers
Wisconsin Department of Public Instruction
May 13, 2011**

technology in the classroom. Kohl has also been a strong supporter of the E-rate program, which helps schools get connected to the Internet and use technology in the classroom. He worked to protect the E-rate program from harmful cuts in the early 1990s, right when access to technology and the internet was becoming a necessary tool in education.

We cannot afford to create a generation which does not have the education and skills needed to compete in our increasingly technological society.

Senator Herb Kohl

The most important resource in any classroom is a caring, competent, highly effective teacher. “We have to find ways to attract, train, and retain the best teachers so all students have an exceptional teacher in the classroom.” Kohl has supported teacher education programs at Wisconsin colleges and universities, in addition to providing funding for Teach for America and other programs devoted to placing trained teachers in high-needs schools and subject areas. These programs have improved teacher training and preparation in math and science, as well as for early childhood educators.

In 2010, as states across the country were days away from having to lay off teachers, Kohl supported a \$26 billion jobs bill to keep hundreds of thousands of teachers and first responders on the job in the middle of a national recession.

Herb Kohl Educational Foundation

Looking for a way to recognize and support all the educators and students throughout the state who exemplify the best of Wisconsin education, Kohl founded the Herb Kohl Educational Foundation in 1990. Since the foundation’s first year, thousands of outstanding students and teachers in Wisconsin have received nearly \$8.2 million in scholarships and grants.

Kohl presents these awards each year in person at five banquets around the state, and has attended every banquet since the foundation’s inception in 1990. At these events, state education leaders, teachers, students, and families gather to discuss the importance of education and to recognize the significant contributions these teachers make to our communities. Said Kohl, “I can’t even begin to describe what great – really great – events these banquets are. The whole community gathers to celebrate their outstanding students and teachers. What a huge honor it is to get to be there and see how very valued education, students, and teachers are. I am so glad that the foundation will continue to honor these students and teachers after I leave the Senate.”

Kohl Teacher Fellows, nominated by colleagues, parents, students, or members of their community, are chosen for their ability to inspire students' love of learning, instructional innovation and leadership, and commitment to community involvement. From that group of Fellows, a panel of educators, parents, and community leaders select the Teacher of the Year, who represents Wisconsin at the national level. "Teachers play a vital role in shaping the life of a child," Kohl says. "Recognizing and rewarding that work is an important reason for my support of the Teacher of the Year program in Wisconsin. Teachers deserve recognition for the commitment they make to preparing students to become the workers, leaders, and citizens our state and nation need to build a prosperous future."

I want to thank you, Senator Kohl... our state, our educators, and our children are so lucky to have a senator, and a benefactor, who cares so much for education. And I want you to know all of the ways your Foundation, by creating the Kohl Teacher Fellowship and supporting the State Teacher of the Year program, has helped me, my students, my colleagues, and so many others I have met, spoken to, and worked with.

Beth Oswald
2008 Kohl Teacher Fellow and
Wisconsin Teacher of the Year

Education Funding

While Kohl has spent his Senate career looking for ways to reduce federal spending, the one area where he has consistently worked to increase our federal investment is education. "As a businessman, I learned that long term investments are critical to the success of any enterprise. And I brought that lesson with me to the Senate," Kohl said, "if we don't invest in our students, who will one day be the leaders and producers of our country, we are setting ourselves up for failure in the long run."

As an early supporter of education reform, Senator Kohl strongly believed that Congress must live up to its promise to provide the funding promised to states in the NCLB Act to help them improve education. Kohl made investing in education one of his top priorities. As a member of the Labor, Health & Human Services, and Education Appropriations Subcommittee, he voted consistently over the years for substantial increases in the Title I education program for the disadvantaged, the Head Start program, and Student Financial Aid programs. On more than one occasion Kohl

fought – successfully – to restore education funding that his colleagues tried to cut from these very important programs.

In addition to supporting efforts to bring more federal formula funding into Wisconsin schools, Kohl has supported applications for Race to the Top and Investment in Innovation grants, while also calling on the Department of Education to better fund rural and remote districts so that all students in Wisconsin might have access to the best teachers, advancements, and innovations in education.

Improving the Academic Achievement of the Disadvantaged: Title I and IDEA

Too often, the children who need the most support to succeed and who face the toughest barriers are also in some of the worst schools in the country. These kids battle poverty, homelessness, hunger, abuse, neglect, and chronic health issues at a higher rate than their peers in more prosperous neighborhoods. “We must ensure that students have equal opportunities to achieve, no matter their neighborhood, income, or race,” said Kohl, who pushed for additional funding for Title I during his time in the Senate.

After several years of intense negotiations, Senator Kohl joined the Senate in passing a carefully crafted bipartisan bill to reauthorize the Individuals with Disabilities Education Act (IDEA) in 2004. This bill took a balanced approach to engaging the unique needs of children with disabilities, and was supported by a majority of parents groups, teachers, disabilities advocacy groups, and schools. It helped clarify discipline issues, education rights of disabled and non-disabled children, ability of schools to maintain order in the classroom, and increased funding for early intervention programs for the zero-to-three age group.

Our children are tomorrow's teachers, doctors, scientists, parents and even Presidents. Ensuring children receive the help they need to succeed has long been among my top priorities.

Senator Herb Kohl

Kohl fought year after year to increase funding for Special Education, urging Congress to live up to the federal government’s promise to pay 40% of the costs of educating students with disabilities under IDEA.

Dropout Prevention and the Fast Track to College Act

Recognizing the devastating effect the dropout crisis would have on our country, Kohl spoke out: “For our children, dropping out of school means a lifetime of lower wages and worry about adequate employment, housing, food, and health care. For our state, it means increased costs for social services and an increased likelihood of crime. And for our country, it means continuing to fall behind other nations in academic achievement, innovation, and economic growth.”

While Kohl has been active in restoring funding for dropout prevention programs since his first year in the Senate, he went a step further in 2008 by introducing the Fast Track to College Act.

The Fast Track to College Act would provide support for early college high schools and dual enrollment programs so students could earn college credit – free of charge – while completing their high school degree.

Kohl worked successfully with Chairman Tom Harkin on the Health, Education, Labor, and Pensions Committee to include language from this bill to improve college and career readiness in the Senate HELP Committee’s 2011 bipartisan plan to reauthorize ESEA.

Today I am doing my part to end the growing crisis of high school dropouts. I am introducing the Fast Track to College Act, a bill to increase high school graduation rates and improve access to college through the expansion of dual enrollment programs and Early College High Schools. Such programs allow young people to earn up to two years of college credit, including an Associate’s degree, while also earning their high school diploma.

As our country struggles with an economic recession, I believe we must continue to invest in our public schools. While we must carefully consider how taxpayer dollars are spent during these trying times, education is one of the wisest investments we can make, and it is an investment that must be made now, before our children fall farther behind.

That is why I ask my colleagues to support this bill, which provides competitive grant funding for Early College High Schools and other dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. These programs put students on the fast track to college and increase the odds that they will not only graduate, but go on to continue their education and secure higher-paying jobs.

I am proud to sponsor this legislation because I believe this investment in our schools will help solve the dropout crisis and secure America’s future by ensuring that all young people can compete in today’s global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help them reach that potential.

**Senator Herb Kohl
U.S. Senate Floor Statement on the Fast Track to College Act
2010**

Higher Education: the Gateway to Opportunity

Wisconsin has some of the best institutes of higher education in the country, including nationally ranked research institutions and satellite campuses, outstanding private and nonprofit institutions, and technical colleges that are nimble enough to meet the changing needs of their communities while still providing world class educational opportunities. Kohl has supported the innovative programs in Wisconsin's public and private colleges, securing funding for agriculture and biomedical research, manufacturing training programs, and for colleges of medicine, dentistry, and education, to name just a few.

Understanding how important it is to look toward the future in our educational system, Kohl worked with Senator Levin in 1990 to author legislation creating a \$20 million program to develop business-college partnerships to foster technology transfers. This bill was signed into law as part of the Small Business Administration reauthorization passed that year.

Conversations around my family's dinner table didn't center around business or politics. They centered on the values of honesty, hard work and education, and my parents' insistence that my brothers, sister and I do well at school so we could enjoy an opportunity they never had – a college education.

Senator Herb Kohl

Kohl believes all hard working students should be able to pursue their education, even when facing barriers like intellectual disabilities. Kohl worked with his colleagues on the Senate Appropriations Committee to direct funding to colleges and universities to help students with disabilities like autism to transition to college life. "College is an important step in many people's lives and it should be no different for those who live with autism," Kohl said. Through that funding, more students with autism succeeded and graduated from college, and have gone on to live more independent and productive lives.

Paying for College

The cost of college has risen steadily and too many families have to choose between sending their children to college or paying their bills or planning for retirement. Through visits with students, parents and teachers at the start of his Senate career, Kohl discovered that many students "turn off" on education because the cost of a college education is so high that it appears unrealistic to them. As a result, Kohl introduced the Student Counseling Assistance Network Act (SCAN) in 1991, which is

now law as part of the Higher Education Amendments Act of 1992. The bill was designed to make it possible for students and their families to identify potential sources of financial aid to help pay for their education. In addition to creating an accessible data base, the law included provisions to help teachers and counselors provide better advice to students about college and vocational educational opportunities. Finally, the legislation authorized a public advertising campaign, modeled after the “Be All You Can Be” campaign of the Army, to encourage kids to think of college as a viable option in their lives.

Kohl has worked to ensure access to education at all levels. “It has been my goal to bring college within reach for more young people,” said Kohl. To accomplish this, Kohl voted to enact The College Cost Reduction and Access Act, legislation that was signed into law in September 2007, to make higher education accessible to all Americans by providing \$20 billion in new student aid and cutting interest rates in half on subsidized student loans. The law saves the average student \$4,400 over the life of a college loan.

In 2010, Kohl voted for the Student Aid and Financial Responsibility Act, increasing Pell grants and cutting out the middle man in federal student lending, ensuring more financial aid went directly to the students who need it most.

In an effort to make paying for college a little easier for everyone, Kohl has supported tax breaks for college tuition for working families. He has also worked with the Secretaries of Education, Defense, and Veterans Affairs to ensure access to affordable and quality programs for our soldiers and veterans returning from battle.

December 13, 2012

Dear Herb,

I would like to take this moment to express our heartfelt gratitude for your many years of leadership in the Senate and your unwavering commitment to public service. You have been a stalwart champion of our research mission and you and your staff have always placed the highest priority on UW Madison’s success as a leading higher education institution. We would especially like to commemorate your continual support for the innovative efforts of our researchers and your steadfast commitment to ensuring access to federal student aid.

We are grateful for your numerous efforts to foster research at universities in areas ranging from health to humanities, energy to education, agriculture to aging, immigration to intellectual property, and many more. Over the years, you have touched so many lives in Wisconsin and beyond. We thank you very much and wish you all the best. On Wisconsin!

**Sincerely,
David Ward
Interim Chancellor
University of Wisconsin-Madison**

"As President of Marquette University, I had the privilege of working with Senator Herb Kohl, an outstanding United States Senator and an extraordinary man. From the first time we met, Senator Kohl pledged his support for Marquette University priorities that served the public good, and he was true to his word. Senator Kohl provided leadership on many important issues for the university, most notably in the area of educational access. His staunch support of student financial aid, particularly Pell Grants and TRIO programs, allowed our country's most disadvantaged students to pursue higher education and the American dream. In addition, Senator Kohl championed dental access for Wisconsin's urban and rural populations, supporting the Marquette University School of Dentistry's new building and statewide community outreach clinics. Senator Kohl truly understood the critical role that Wisconsin's only dental school plays in delivering high quality dental care to the State's neediest citizens. Senator Kohl will be greatly missed by all of us in Wisconsin and the nation."

**Fr. Robert A. Wild, SJ
Former President of Marquette University**

Recognizing how important Wisconsin's technical colleges are in reacting to the needs of our workforce, Senator Kohl joined the Senate in voting to reauthorize the Carl Perkins Vocational Education Act in 2006. And in 2008, Senator Kohl joined the Senate in passing a bipartisan bill to reauthorize the Higher Education Act. This bill included a carefully crafted compromise that lowered student loan interest rates for students, while providing sufficient support to lenders to ensure that they stay in the student loan program. The bill also increased the maximum Pell grant. The passage of both pieces of legislation ensured that more students have the opportunity to attend college or a vocational education institution and gain the skills they need to become a productive part of our nation's economy.

"While our economy continues on a path of prosperity, we cannot forget those who have been left on the side of the road," said Kohl. For those workers who have already been in the workforce and have been displaced or are determined to improve their lives with a better career path, job skills training is critically important. Workers may only need a little help to retool for a new career, but that training can often be too difficult to access or too expensive. That's why Kohl supported

funding to help workers retrain and adjust to the changing job market, so they would be prepared for a new career with 21st century skills.

Pell Grants and TRIO

In addition to student loans and the Fast Track to College Act, which would allow more students to earn college credits free of charge while still in high school, Kohl has championed other programs that allow all hardworking students to pursue a college education.

Kohl worked to increase funding for the Work Study program and Student Education Opportunity Grant program, and the TRIO and GEAR UP programs which help low-income middle school and high school students overcome barriers and prepare for higher education.

“Our health care system is in crisis. And we have a responsibility to lead the nation out of that crisis.”

Herb Kohl

Affordable, Accessible Health Care

“The quality of health care in this country is second-to-none,” says Senator Kohl, “but it doesn’t mean a thing if that health care is too expensive or otherwise out of reach of most Americans.” Throughout his Senate tenure, Kohl championed federal programs to get individuals, families, and communities the health insurance and care they need and deserve, focusing on the most vulnerable – children and seniors – and the most difficult to reach – rural communities.

Increasing Access to Affordable Care

Early in his career, Kohl was instrumental in expanding health services to the most underserved rural areas of Wisconsin. “Quality healthcare in rural areas should be a reality, not a luxury, for our communities. Health care training programs will improve the skills of rural healthcare workers, while meeting the needs of this growing industry. This is a good investment of federal funding,” Kohl said.

In 1989, Kohl and Congressman David Obey (D-WI) introduced S. 921, the Rural Health Improvement Act to expand access in rural areas to health care services and providers, including doctors and nurses; the legislation was incorporated into that year’s final budget bill.

“S. 921’s early success demonstrated both the real need and the real support in Congress for bringing quality health care to our

We need not repeat the numbers of underserved. We know them. We need not repeat statistics on the benefits of prevention—we are paying dearly for those past failures. We need not repeat health cost inflation figures. Nor the tragic stories about citizens young and old who have been denied access to quality care. Each of us has heard those numbers and those stories in hundreds of ways.

The problem is real. Our health care system is in crisis. And we have a responsibility to lead the nation out of that crisis.

**Senator Herb Kohl
U.S. Senate Floor Statement
June 05, 1991**

rural communities,” says Kohl. He rode the momentum of that first legislative win throughout the rest of his tenure: he worked to alter Medicare reimbursement formulas to expand the definition of Medicare-dependent hospitals, a boon to hospitals in smaller rural communities. He pushed in the Appropriations Committee for the telehealth programs and virtual health centers that electronically deliver top tier medical resources to remote Wisconsin hospitals.

“With the support of Senator Kohl, Children’s Hospital of Wisconsin gave us hope. Our daughter received the best care with no better outcomes across the country. He has truly helped change lives.”

*Angela Petr
Mom of Hope, Anna, & Abigail
Children’s Hospital of Wisconsin*

“The quality of health care in Wisconsin’s rural areas is of grave concern to me as a nurse practitioner,” stated Sarah Hanks, a Tigerton resident, in 1994. “We don’t even have a hospital in Tigerton – the nearest medical facility is 30 miles away. Herb Kohl has met with patients and staff and my clinic, and he understands the special issues of rural health care.”

“One of the most pressing of those issues is adequate dental care,” Kohl recalls. “Odds are that a town like Tigerton wasn’t just missing a hospital – it probably also didn’t have a dentist that most residents could get to or afford.”

With statewide statistics showing a startling percentage of Wisconsinites without adequate dental care, Kohl spearheaded projects intended to close this gap: over many years, he helped build up Marquette University’s School of Dentistry, which trains the vast majority of Wisconsin’s dentists; he also made it possible for the school to expand its facilities and set up mobile dental clinics to reach underserved areas of Wisconsin.

"As President of Marquette University, I had the privilege of working with Senator Herb Kohl, an outstanding United States Senator and an extraordinary man. From the first time we met, Senator Kohl pledged his support for Marquette University priorities that served the public good, and he was true to his word... Senator Kohl championed dental access for Wisconsin's urban and rural populations, supporting the Marquette University School of Dentistry's new building and statewide community outreach clinics. Senator Kohl truly understood the critical role that Wisconsin's only dental school plays in delivering high quality dental care to the State's neediest citizens. Senator Kohl will be greatly missed by all of us in Wisconsin and the nation."

Robert A. Wild, former President of Marquette University

Be it dental, hospital, or routine preventive care, Kohl's attention centered on children's health. "What better measure of a nation's vision than the health of its children?" asks Kohl. "When we take care of our children, we take care of our future. "

Kohl used his slot on the Appropriations Committee's Subcommittee on Labor, Health and Human Services, Education, and Related Agencies to support Wisconsin children's health initiatives. From a Dane County neighborhood children's health and dental care clinic to a multi-year commitment to Children's Hospital of Wisconsin's research on childhood diseases and in the doctors who specialize in them -- from improving health insurance access for children by fighting for Badger Care to providing funding to train new pediatricians through Children's Hospital Graduate Medical Education programs - Kohl never stopped trying to find new ways to bring the best in health services to Wisconsin's children.

"Throughout his tenure in the U.S. Senate, Senator Kohl has been a strong champion for Wisconsin's Community Health Centers. By providing access to primary, preventive care, our Health Centers are able to provide a cost effective alternative to seeking care in the Emergency Department. With Senator Kohl's strong support as a member of the Senate Appropriations Committee, and recent New Access Point grant funding made available under the Affordable Care Act, Wisconsin Community Health Centers have been able to provide comprehensive primary care to our existing patients and plan for the needs of our patients in the future. We are so grateful for his many years of service and commitment to improving health care access in Wisconsin."

*Stephanie Harrison
Executive Director
Wisconsin Primary Health Care Association*

Kohl also used his spot on the Appropriations Committee to support the community health centers that provide for the underserved in communities across Wisconsin. "The rising costs of health care combined with a growing number of employers who have been priced out of providing health insurance means that a growing number of people must rely on community health care centers for basic medical care. Federal funds help the community clinics expand access to health care to more people who seek it," Kohl said. He also worked to facilitate the construction of various state-of-the-art health facilities in Wisconsin, most notably, the 16th Street

Community Health Center, which offers health services to an underserved, bilingual population in Milwaukee.

For decades, insurance companies were able to deny coverage to people with preexisting conditions, drop coverage when people became sick and dramatically increase premiums at any time. Senator Kohl voted to finally put an end to these practices and as a result, millions of Americans will have access to affordable coverage. “We will remember the passage of health reform as the time we finally put American patients ahead of the insurance companies,” Kohl said at the time of the passage of the Patient Protection and Affordable Care Act. “We will celebrate how we took the first

“There’s no room in a competitive marketplace,” Kohl said, “for these kinds of back-room deals.”

*For Big Drug Companies,
A Headache Looms
The New York Times
July 26, 2012*

difficult steps to make bankruptcy due to illness a thing of the past. We will hail the legislation that moved us toward universal coverage, something that all other industrialized countries take for granted. Reforming the nation’s health care system is no easy task -- this is as complicated as it gets. In crafting legislation, we have factored in the unique health care needs of millions of Americans.”

Affordable Prescription Drugs

A recent article in the journal Health Affairs discusses the major breakthroughs in pharmaceutical research starting in the 1990s.

Because of these new drugs: “infant mortality is declining and disability rates among the elderly have been falling nearly three times as fast as they did over the previous eight decades. This good news is bolstered by outsize increases in life expectancy and health status for Americans with heart disease, cancer, acquired immunodeficiency syndrome (AIDS), and preterm birth.”

“Since I have been in the Senate, we have seen real miracle drugs come on the market,” remarks Kohl. “But here in the U.S., these new pharmaceuticals cost significantly more than in every other developed country. I’ve always felt getting to the bottom of that was a key to improving health care in America.”

As Chairman of the Senate Aging Committee, Kohl was in a position to lead investigations into the pharmaceutical industry and follow up with legislation to improve the quality, reduce the cost and increase access to prescription drugs. He

worked across party lines to ensure a competitive marketplace for prescription drugs, introducing legislation to end backroom deals and frivolous legal maneuvers by brand name pharmaceutical companies to prevent low-cost generics from reaching the market. He also supported legislation that would allow consumers, pharmacies and drug wholesalers to safely import FDA approved prescription drugs from other countries at substantially lower prices.

And, with mounting evidence that pharmaceutical sales representatives impact doctors' prescribing patterns, Kohl introduced with Senator Grassley S. 2029, the Physician Payments Sunshine Act, in 2007. The legislation required information about interactions between doctors and the big pharmaceutical companies selling drugs to be transparent to the public. After reintroducing the legislation in the 111th Congress and holding hearings on it from 2007 to 2009, the bill became law as part of the Affordable Care Act in 2010.

SeniorCare

Under a state-initiated, five-year Medicaid waiver granted in 2002, the State of Wisconsin created SeniorCare to help seniors afford the

Since September 1, 2002, more than 103,000 seniors have participated in Wisconsin's SeniorCare prescription drug program. The federal Medicaid waiver that allows SeniorCare to operate is set to expire on June 30th of this year. The Bush administration holds the key to the survival of SeniorCare, and they must act now to renew the waiver. Without it, this popular and incredibly successful program will end, forcing Wisconsin seniors to join Medicare Part D with higher costs to both seniors and taxpayers.

SeniorCare is the model for a simple, affordable drug plan, and the Administration should embrace it. It has a one-page application, a \$30 annual fee, and co-payments of \$5 for generic drugs and \$15 for brand-name drugs. It does not have an asset test, a key difference from Medicare Part D that makes it easier for low-income seniors to get the extra help they need. In fact, many SeniorCare enrollees would not be eligible for Medicare's Low-Income Subsidy because of its stringent asset test.

SeniorCare has strong bipartisan support in Wisconsin, and among the entire Congressional delegation. To us, it is a no-brainer: it costs less, covers more, and seniors are happier. As an AARP study points out, 94 percent of SeniorCare participants are better off than they would be under Medicare Part D. That's why so many seniors have chosen SeniorCare over Medicare Part D. In fact, enrollment in SeniorCare actually increased after January 2006, proving that aggressive Part D outreach actually resulted in more seniors finding out about SeniorCare and signing up for it instead.

Additionally, SeniorCare saves the federal government nearly \$500 on each beneficiary when compared to Medicare Part D. The SeniorCare waiver has also saved an estimated \$669 million in Medicaid funding because seniors with SeniorCare have stayed healthier longer, avoiding costlier hospital and nursing home care.

Senator Herb Kohl, Opening Statement Special Committee on Aging Hearing: SeniorCare March 28, 2007

prescription drugs they need. Kohl fought to extend and protect this program in 2007, 2009, and again in 2011. He pulled together members of the Wisconsin Congressional delegation to push through legislation to allow SeniorCare to continue to save both seniors and taxpayers money while providing better coverage.

“Without [federal action], this popular and incredibly successful program will end, forcing Wisconsin seniors to join Medicare Part D with higher costs to both seniors and taxpayers,” said Kohl in 2007 when he held a hearing on the issue. “It is a no-brainer: SeniorCare costs less, covers more, and seniors are better served. This program is the model for a simple, affordable drug plan, and the Administration should embrace it.”

A briefer, if no less eloquent endorsement of SeniorCare came from one Madison resident who suffers from heart disease and has five prescriptions. He said of the program: “SeniorCare has saved me a bundle of money. This is wonderful.”

“Senator Kohl, AGS appreciates your leadership on this important legislation and your long-standing efforts to improve quality of care for older Americans.”

*John B. Murphy, MD
President
American Geriatrics Society
(AGS)*

Long-Term Care

As Chairman of the Senate Special Committee on Aging, Kohl has led the effort to improve the quality and options available for seniors when it comes to long-term care. “No one in the Senate would seek to penalize the elderly or support a policy designed to impoverish the frail elderly. We have an obligation, I believe, to do all that we can to assure access to health care and a retirement of dignity and honor,” Kohl said on the Senate floor in October of 1990.

Kohl worked with his colleagues in Congress to pass the Home and Community Balanced Incentives Act, incorporated into the Affordable Care Act in 2010. This legislation provided states with financial incentives and more flexible coverage options for restructuring their Medicaid programs in order to provide an increasing number of beneficiaries with cost-effective

home and community-based services. He also fought for 13 years to create a nationwide system of background checks to keep those with violent or criminal histories out of nursing homes, finally witnessing that bill signed into law in 2010. Because of Kohl’s efforts, consumers now have more information about individual

nursing homes and their track record of care, and the government now has better tools for enforcing high quality standards. The system created with Kohl's support, *Nursing Home Compare*, is an easy-to-use online tool that analyzes and rates nursing homes based on a number of safety, quality and staffing measures. Families can use the five-star rating system to help make determinations about which nursing home is best for a loved one's care.

Early in his Senate career, Kohl fought to preserve standards which had proven successful in improving nursing homes. He also worked to secure funding for the Medicare Survey and Certification program, which conducts nursing home inspections, and the Long-Term Care Ombudsman program, which documents cases of nursing home abuses. "We owe our senior citizens the dignity and the comfort of quality care in their final years," remarks Kohl.

"I especially want to thank Chairman Kohl for his leadership and actions to help improve the care that millions of nursing home residents – and their family members – rely on for their well-being."

*Kerry Weems
Former CMS Acting
Administrator*

In 2009, Kohl held two hearings on the important of educating consumers about long-term care insurance, a crucial and underutilized element of retirement planning. In bipartisan legislation, the Confidence in Long-Term Care Insurance Act, Kohl called for improving consumer protection standards to keep the costs of this type of insurance affordable, along with an increase in public education and monitoring of this market. "Reforming our long-term care system is a necessary part of reforming the entire health care system," Kohl said. "With America aging at an unprecedented rate, and with the high and rising costs of caring for a loved one, the financing of long-term care must be addressed if we are going to get health care costs under control." In 2012, Kohl held a hearing, "The Future of Long-Term Care: Saving Money by Serving Seniors," and laid out the various potential challenges Medicare and Medicaid face in closing this gap in services.

Health Care Workforce

When Kohl took the helm of the Aging Committee in 2007, he faced a double challenge: the aging of the baby boom generation and the aging of the national health care workforce. "Across Wisconsin, and across the nation for that matter, we are facing a shortage of healthcare workers, especially those with experience and training in

geriatrics,” stated Kohl. “We felt that this was one of the Committee’s most pressing issues.”

In 2009, Kohl introduced the Retooling the Health Care Workforce for an Aging America Act, which passed into law in 2010 as part of the Affordable Care Act. The legislation expands education and training opportunities in geriatrics and long-term care for licensed health professionals, direct care workers, and family caregivers. Senator Kohl also used his position on the Appropriations Committee to fight for improved training and expanded opportunities for health professionals with geriatrics specialties.

And Kohl championed healthcare worker training programs in Wisconsin, including the Bay Area Community Health Partnership in Green Bay. Finally, he convinced Congress to agree to a multi-year investment in the Children’s Graduate Medical Education programs, which enable children’s hospitals to train high quality pediatricians.

On his visits to healthcare and senior facilities throughout Wisconsin, Kohl heard again and again just how key nurses are to quality health care. “That made me all the more determined to do something about the shortage of nurses that was evident starting in the early 1990s,” recalls Kohl. He became a leading advocate for the Nurse Reinvestment Act and supported Wisconsin programs to train nursing professionals at colleges such as UW-Milwaukee, Cardinal Stritch University, and Alverno College. And Kohl promoted the University of Wisconsin at Madison’s collaboration with the Alzheimer’s Association of Wisconsin to provide dementia care specialty training to long-term care staff.

“AARP is pleased to endorse the Retooling the Health Care Workforce for an Aging America Act of 2009 that you are sponsoring. We appreciate your leadership to help ensure that the health and long-term care workforce is prepared to meet the needs of an aging population and that family caregivers -- often critical members of the care team -- are supported in their caregiving roles. Of great significance, your bill will help put in place the well-trained workforce that is critical to the infrastructure needed for comprehensive health care reform.”

David P. Sloane
Senior Vice President
Government Relations and
Advocacy
AARP

Innovative Medical Research

“Wisconsin is blessed with some of the leading medical research institutions in the world,” says Kohl. “And it is clear that the more we learn about diseases, their treatment, and their prevention, the more chance we have of bringing down health care costs and bringing up health care quality. So I have always thought one of my most important jobs on the Appropriations Committee was identifying and supporting really cutting edge, innovative thinking.”

Kohl backed initiatives at both the national level, at the National Institute of Health and the Centers for Disease Control, and at the state level, at the University of Wisconsin in Madison and the Medical College of Wisconsin, where Kohl helped

secure the necessary investment to build a new biomedical research facility. He was an important part of a sustained effort to double the funding for NIH over 5 years, which culminated in 2002, and he worked for CDC projects on chronic disease prevention and environmental health.

Kohl regularly brought together Alzheimer’s disease experts, researchers, and advocates in order to examine the best methods of care for those with Alzheimer’s. “To my knowledge, a Congressional hearing has never cured a disease. But surely...we can garner valuable ideas to raise awareness, anticipate challenges, encourage research, and support Alzheimer’s patients and their families in the best way we can,” said Kohl at an Aging Committee hearing in 2008. In 2008 and 2009, Senator Kohl held hearings in order to get an update from the Alzheimer’s Study Group on their National Strategic Plan and to hear their recommendations on how to fight Alzheimer’s. In 2010, the Aging Committee again sought consensus on how to best care for those with the disease in long-term care and home settings, as well as how to intervene to improve the quality of life for those with Alzheimer’s and their caregivers. And just this month, Kohl released an Aging Committee report, “Alzheimer’s Disease and Dementia: A

I would like to take this moment to express our heartfelt gratitude for your many years of leadership in the Senate and your unwavering commitment to public service. You have been a stalwart champion of our research mission and you and your staff have always placed the highest priority on UW Madison’s success as a leading higher education institution. We would especially like to commemorate your continual support for the innovative efforts of our researchers...”

**David Ward, Interim Chancellor
University of Wisconsin Madison**

Comparison of International Approaches” examining the international response to the growing Alzheimer’s disease and dementia epidemics throughout the world.

Statement of Senator Herb Kohl

December 13 2012

Mr. President, I rise today for one final time to address the Senate. My remarks will be brief. Actually, I just want to say one thing -- thank you.

I wish I could say it with the eloquence of one of my first friends in the Senate, Senator Dale Bumpers, who told his stories and always made his case pacing these aisles like a lion, tethered to his specially-made, extra-long microphone cord -- or with the breadth of vision of the late Senator Robert C. Byrd, who sprinkled his classic Mother's Day or Fourth of July speeches with memorized poetry and his vast command of history -- or with the fire of my dear friend, the late Senator Ted Kennedy, who would bellow to the rafters his passion for the America that could be and call on the Senate to make it so.

What a privilege to serve with such men -- and so many other men and women who have made up this body over the last 24 years. You have been friends, advisors, sometimes adversaries -- always worthy -- and inspirations. Thank you.

My colleagues in this body are, to a man or woman, thoughtful, hard-working patriots. We don't always agree -- understandably. But every Senator I have met is pursuing a course that he or she believes is best for the nation and advocating policies that he or she believes are best for their state. And when I have come to any of you with my ideas about what's best for the nation or for my state, you have listened respectfully, counseled wisely, and helped when you could. Thank you.

The Senate is often referred to as a family, and that is certainly how I feel about my staff, many of whom are gathering today to say our good-byes. Perhaps what I will miss most on leaving the Senate is coming to work every day in Washington and in Wisconsin with such a bright, creative, and dedicated group of people -- constantly focused on what's best for our nation and Wisconsin, challenging and pushing me to be the best Senator I could be. You cannot be a cynic about the future of this country when

you work in an office like mine and have the privilege to interact with generations of intelligent, civic-minded, and loyal staffers. So I thank them all – for making a hard job, not just easy, but enjoyable and for serving the people of Wisconsin tirelessly and exceedingly well.

My final thanks go to the extraordinary people of Wisconsin. Thank you for letting me pay back in part the great debt my family owes to the state that took in my immigrant mother and father and allowed our family -- including my brothers Sidney and Allen and our sister Dolores -- to grow and thrive. Thank you for taking a chance on me in that first election 24 years ago and renewing my contract three more times. Thank you for trusting me with your problems and concerns, your hopes and dreams.

Please know that we have listened to you carefully and fought for you always. Every Wisconsinite who wanted it – Democrat or Republican, rich or poor, farmer or city dweller – got full consideration in my office. And whether it was arranging a Capitol tour, finding a lost Social Security check, pushing for legislation to reform the federal dairy program, or reviving the shipbuilding industry in Marinette, Wisconsin -- every Wisconsinite had an ally and an advocate in us.

It has been the greatest honor of my life to serve these 24 years in this hallowed institution, alongside my fellow Senators and my staff, and as the voice of the people of Wisconsin. For that, I thank you all one last time, and I yield the floor.