

of Betsy DeVos of Michigan to serve as the Secretary of Education.

Mrs. DeVos, like so many recent graduates, is effectively applying for a job. And like any employer, the American people should look at her resume, her interview, and her past performance.

Mrs. DeVos's resume contains no experience in public education at any level—not as a teacher, not as an administrator, not as a student or a parent, not as a school board member, and not even as a borrower of public loans for college.

Her only experience in education is her work lobbying for the transfer of taxpayer money to private schools and the rapid expansion of charter schools without sufficient accountability to parents and to students.

So let's look at her interview. Her appearance before the Senate HELP Committee last week raised many more questions and did not provide answers. During her confirmation hearing, Mrs. DeVos showed herself to be unfamiliar with some basic educational concepts, like the debate over whether we should measure students' success by growth or proficiency. If Mrs. DeVos doesn't know how to measure success, how can she ever be expected to achieve success in our schools?

Mrs. DeVos also appeared to have never heard of the Individuals with Disabilities Education Act, one of the most important pieces of education and civil rights legislation in our country's history. This law has provided access to education for children with unique needs and supports their parents, who depend on the law that Mrs. DeVos will be in charge of enforcing, if confirmed. And it appeared as if this was the first time that she had ever heard of this law, just last week.

So finally, let's take a look at her past performance. I am particularly troubled by Mrs. DeVos's long-time advocacy to funnel Michigan taxpayer dollars to private and charter school systems that are not held accountable for their performance.

Let me be clear. Our education system is far from perfect, and I support effective, innovative educational reforms that lift up our children. But these reforms need to be driven by facts and not ideology.

Unfortunately, in my home State of Michigan, the charter school experiment has not lived up to the promises made. In fact, 65 percent of charter schools in Michigan fail—yes, fail—to significantly outperform traditional public schools in reading outcomes. In Detroit, 70 percent of charter schools are in the bottom quartile of Michigan's schools. These are certainly not the results that we would want to replicate at the national level.

Despite these outcomes, Mrs. DeVos stated during her confirmation hearing that she did not think that public charter schools should be held to the same standards as traditional public schools.

Well, that simply doesn't make sense. It doesn't make sense that many

charter schools accepting taxpayer money not only performed worse than traditional public schools in terms of academic success but also get to skirt laws that protect against discrimination and support disabled youth. We should hold all schools receiving Federal dollars to the same level of accountability.

I have reviewed her resume, her interview, and her track record, and I have no confidence that Mrs. DeVos will fully support our traditional public schools, our teachers, our parents, and, most importantly, our children, who only get one shot. They just get one shot to get an excellent K-12 education.

Her approach to education has failed the children of Michigan, and her confirmation process gives me no reason to think that she will bring a more successful approach to our Nation.

American children deserve the opportunity for a quality education no matter who they are and no matter where they live. I stand with the many educators and parents in Michigan and across the Nation when I say: Mrs. DeVos lacks the experience, qualifications, and the right vision to oversee our Nation's educational system. Simply put, our children deserve a whole lot better.

I cannot and will not support Betsy DeVos's nomination to serve as the Secretary of Education, and I hope my colleagues will join me in unity against her nomination.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

COMMERCE COMMITTEE AGENDA AND NEW INFORMATION TECHNOLOGIES

Mr. THUNE. Mr. President, it is hard to believe, but the Internet as we know it is already in its third decade. While it is no longer novel, this essential technology continues to transform the world around us in often very unexpected ways. Just a few short years ago, the idea of the Internet being built into farm equipment would have been unthinkable. Yet, today, wireless Internet in tractors and combines is making agriculture more and more efficient. This is just one small example of how new information technologies have become a fundamental part of our economy. There isn't a job creator in America who doesn't have a story to tell about how or when he or she realized the Internet had become a critical part of his or her business.

But while the digital economy is creating massive opportunities, our Na-

tion's laws are not keeping pace. Over the past several years, Netflix and Amazon have completely disrupted the video world. The iPhone, which redefined personal computing and connectivity, just celebrated its 10th anniversary. Yet most of the government policies dealing with video, wireless, and Internet platforms were written for a world where none of these things existed. It is a testament to the ingenuity of American businesses and entrepreneurs that they have been able to adapt and succeed with laws that are increasingly out of date. While I don't doubt that they will continue to work around these challenges, American companies and consumers deserve better.

It is past time to modernize our communication laws to facilitate the growth of the Internet, and it is high time to update government policies to better reflect the innovations made possible by digital technologies. As the chairman of the Senate Commerce Committee, I have committed to modernizing government policies for the digital age, and that will be one of our top priorities in the Commerce Committee this year.

One way the government can boost investment in our digital infrastructure is by finding ways to make it cheaper and easier to build broadband networks. At the Commerce Committee, I introduced legislation called the MOBILE NOW Act to ensure that huge swaths of wireless spectrum are made available for use by the year 2020. By then, we hope to see the next generation of ultra-high speed services known as 5G, which will need more spectrum than is available today. The MOBILE NOW Act will also cut through much of the bureaucratic red tape that makes it difficult to build wireless infrastructure on Federal property.

I am happy to report that the Commerce Committee passed the MOBILE NOW Act earlier today, but this legislation is just the start. The Commerce Committee will continue to develop legislative proposals to spur broadband deployment, make more spectrum available for the public, and improve connectivity throughout rural America.

Good Internet infrastructure policies and investments matter very little, however, if government bureaucrats can overregulate the digital world. The Federal Communications Commission has long been the main government regulator for telecommunications. As we have turned away from traditional telecom services and toward new technologies, the FCC has found its role gradually diminishing. This is inevitable and a good byproduct of technological innovation. But instead of accepting this, over the last several years the FCC has aggressively pushed for government interference in the Internet. Speaking about new economic opportunities on the Internet, the last FCC Chairman declared: "Government

is where we will work this out.” The government is where we will work this out? Well, I believe consumers and job creators should be the ones deciding about new technologies, not the government. I think most Americans would agree.

Right now, Internet providers are offering innovative service plans that allow you to stream video, music, or other content for free. These innovative offers are a sign of strong competition in the marketplace. Yet, 2 weeks ago, the outgoing FCC issued a report raising what it called “serious concerns” that such practices “likely . . . harm consumers.” That is right, it seems the FCC thinks that being able to do more online for less money is somehow bad for consumers. Meanwhile, consumers themselves seem to strongly disagree because a lot of these free data offerings are turning out to be quite popular.

One of the most important takeaways from the last election is that people are tired of bureaucrats trying to micromanage their lives. One way we can address this concern is to see how the FCC operates and reform what it is allowed to do. The FCC should be focused on fixing fundamental problems in the marketplace, not dictating the direction of technological progress. The last time Congress passed meaningful laws affecting the FCC was when the Internet was in its infancy. It is clearly time for the FCC’s reform once again.

At the Commerce Committee, we have had many conversations about improving this agency, and I believe this year presents a real opportunity to turn those conversations into solutions. I am confident that we can attract the bipartisan support that is needed to move legislation modernizing the FCC across the Senate floor.

Another area where I would like to achieve bipartisan agreement is on legislation to protect the open Internet. We need clear and reasonable rules for the digital road that everyone can understand. Complex and ambiguous regulations that shift with the political winds aren’t in anyone’s best interests. For Americans to get the maximum benefit from the Internet, they need certainty about what the rules are and, most importantly, what the rules will be in the coming years. The only way to achieve that is for Congress to pass bipartisan legislation. I have been working with my colleagues to find a legislative solution. While we are not there yet, I am committed to getting there.

The Commerce Committee was incredibly productive last year, with 60 measures enacted into law. We made real progress on Internet-focused legislation, including committee approval of the MOBILE NOW Act that I mentioned earlier. We will build on that foundation in this Congress. I look forward to taking advantage of the good ideas of our committee members on both sides of the aisle.

At the end of the day, it is not, as I said, Congress that is going to come up with the best solutions. It will be American innovators and entrepreneurs who will determine what the digital future holds, not us here in Washington, DC. Government should focus on facilitating their success while making sure that we are not accidentally standing in their way.

I am excited to see how the Internet and other emerging technologies will continue to change our world in the coming years, and I am eager to do my small part to ensure that all Americans benefit from these amazing advances.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF SCOTT PRUITT

Mr. INHOFE. Mr. President, I was not preparing to come down to speak today, but I just want to make a few comments because I have been listening to what is going on in one of the other rooms out there. Everyone is zeroing in and targeting a guy named Scott Pruitt, who they don’t think should be confirmed to be the Administrator of the EPA. I know Scott Pruitt very well, and he happens to be the attorney general for my State of Oklahoma. In fact, I recruited him to run for the State legislature many years ago, and he is someone I know very well. He resides in my city of Tulsa, OK, and he is eminently qualified for this position. I would just like to make a couple of comments in response.

I chaired the Environment and Public Works Committee for some number of years, and during that timeframe, we started considering his nomination. I heard all kinds of criticism. I say to the Chair that they talk about the fact that he has sued the EPA and how can a person who has sued the EPA be qualified to serve as the Administrator of the EPA? Well, I think that is a pretty good qualification, considering what the EPA was doing during the Obama administration. Look at some of the lawsuits he has been involved with.

“WOTUS” is the acronym for “waters of the United States.” Of the many regulations they have come up with, this is one of the most onerous. In fact, I would say that probably in all States—Louisiana, Oklahoma, and the rest of them—they gave the same response as the farm girl gave when we asked the question—I asked the question: What is the worst thing that could happen or has happened to the farmers and ranchers of America—not just in Oklahoma but throughout

America? And they said it is not anything that is in the Agriculture bill, it is the overregulation of the EPA. When we ask the question “Which of all the overregulations of the EPA is the worst one?” according to farmers, it is the WOTUS regulation, the waters of the United States.

For as long as I can remember, liberals have tried to get the jurisdiction of water away from the States and give it to the Federal Government. I mean, that is the general philosophy of someone who is liberal—they want the power of the United States to be concentrated in Washington. So this is a part of that effort. As a matter of fact, it was 6 years ago that there was a House Member and a Senate Member who introduced a bill to take the word “navigable” out of our laws. State governments have control of all water rights except for navigable waters. If they had taken the word “navigable” out, the Federal Government could have taken over the entire jurisdiction. The two who were doing that were Senator Feingold from Wisconsin and Congressman Oberstar from Minnesota. Not only did we defeat both of those pieces of legislation 6 years ago, but they were both defeated at the polls afterward. So if this is an issue, it is an issue that has been around for a long time.

So yes, in fact, Scott Pruitt, as the attorney general of Oklahoma, from Tulsa, joined 15 other States, including the State of Louisiana, in suing to stop the rule that the Obama administration had put through in WOTUS, the water resources. To show how he was on sound ground, the Sixth Circuit Court of Appeals has since that time said that, yes, he was right. They put a stay on it.

The next bill, the next of the regulations—I just did a TV thing where they were asking about the most onerous of regulations. It is kind of hard to answer that question because they are all so bad—they all inflict such a hardship on the business community throughout America—but the Clean Power Plan, let’s go back and look at the history of that.

The Clean Power Plan all started back in about 2002, when at that time they wanted to do it when they first started talking about global warming so they were going to somehow do away with the emissions of CO₂. So they tried to do it with legislation in 2002, and then again in 2004, again in 2005, and about every other year since then, and it has always been rejected by the Senate. It has been rejected by the Senate by an increased margin each time. Yet they keep saying, no, we are going to have some type of cap-and-trade legislation. We calculated what that would cost. It is between \$300 billion and \$400 billion a year, and frankly it wouldn’t accomplish anything.

The first administrator for the EPA under Obama was Lisa Jackson. I enjoyed her. I asked her the question: If