

discuss a bill that I will be introducing with Senators COONS, GRAHAM, and WHITEHOUSE called the Clarify Lawful Overseas Use of Data Act, or the CLOUD Act. It is a tremendously important bill that will help to solve the problems that have arisen in recent years with cross-border law enforcement requests.

The rise of email and cloud computing has put our data privacy laws on a collision course with the privacy laws of other countries. Information in emails or in the cloud can be stored on servers virtually anywhere in the world. This means that when law enforcement seeks access to such information, the information may be located in another country.

This state of affairs causes problems both for law enforcement and for email and cloud computing providers. It causes problems for law enforcement because warrants traditionally stop at the water's edge and because laws in other countries may prohibit disclosure to foreign law enforcement, and it causes problems for email and cloud computing providers because they find themselves caught between orders by U.S. law enforcement to disclose data in other countries and laws in those other countries that may forbid such disclosure.

The question of whether warrants issued to U.S.-based providers may require providers to disclose data stored in other countries is currently before the U.S. Supreme Court in the United States v. Microsoft case. Oral argument in the case will be heard later this month.

No matter how the Court rules, however, problems will remain. Either law enforcement will lack the ability to obtain in a timely manner email and documents in the cloud that are stored overseas or providers will find themselves caught between conflicting domestic and foreign laws.

The CLOUD Act creates a clear, workable framework to resolve these problems. The bill has four key components.

First, it authorizes the United States to enter into bilateral data-sharing agreements with qualifying countries under which the United States agrees to lift its bar on disclosure to law enforcement in a qualifying country if that country similarly agrees to lift any bar it has on disclosure to U.S. law enforcement. The CLOUD Act sets forth stringent requirements for such agreements in order to ensure privacy and data security. In particular, it provides that any requests by foreign law enforcement to U.S. providers under such an agreement cannot target or request information on U.S. persons.

Second, the CLOUD Act clarifies that a warrant served on a U.S. provider may reach data stored overseas provided the data is within the provider's possession, custody, or control. This will enable U.S. law enforcement investigating crimes to obtain information stored overseas without having to re-

sort to cumbersome diplomatic channels.

Third, the CLOUD Act gives email and cloud computing providers the ability to challenge a warrant issued for data stored overseas if complying with the warrant would cause the provider to violate the laws of a foreign country. The court hearing such a challenge determines whether, in the interests of international comity, the warrant should be modified or quashed.

Finally, the CLOUD Act authorizes providers to disclose to a foreign government the fact that the provider has received a warrant for information stored in that country, provided the foreign government has entered into a bilateral data-sharing agreement, as previously described. This will enable the foreign government to assess compliance with the terms of the agreement and intervene diplomatically if it believes the request is inappropriate.

The CLOUD Act has broad support in both the tech community and among law enforcement. It bridges the divide that sometimes we see between these two groups.

The bill is an outgrowth of my International Communications Privacy Act, or ICPA, coupled with the United States-United Kingdom bilateral agreement framework that many of my colleagues are familiar with. Indeed, the United States-United Kingdom bilateral agreement framework outlined in the CLOUD Act is intended as a model for future agreements between the United States and other countries that are committed to privacy, human rights, and international law enforcement cooperation.

Expediently implementing similar agreements with the European Union and other allies is critical to protecting consumers around the world and facilitating legitimate law enforcement investigations.

I am pleased to be introducing this very important landmark legislation with my friends from Delaware, South Carolina, and Rhode Island, and intend to push hard to see it enacted in the very near future.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, first, it is always a pleasure to hear from my friend, the Senator from Utah, when I agree with him and even when I don't.

Mr. HATCH. I thank my colleague.

Mr. SCHUMER. It is serious stuff.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, we must pass another extension of government funding by this Thursday. There isn't much time to waste, and yet Speaker RYAN is again considering a CRomnibus—a short-term extension of funding for urgent domestic priorities

but a long-term extension and a large increase in funding for defense—to placate the ultraconservatives in his caucus.

Of course, a CRomnibus is merely a ruse designed to slash funding for education, healthcare, infrastructure, and scientific research—all the things that many in the Freedom Caucus don't want the government to support. That is why 44 Senate Democrats warned our Republican colleagues in a letter last year that we wouldn't support a CRomnibus and that it could never pass the Senate.

We want to fund defense, absolutely, but we also want to fund programs that help the middle class, like education, like infrastructure, like scientific research. We are standing up and saying we must do both. That is how this body works. Different people have different views, and we compromise. Maybe there are some on my side who don't want to spend as much on defense as the Republican side does, but it is a compromise. I, for one, appreciate that we need robust defense spending.

Sending a CRomnibus to the Senate—one that just funded defense and cut programs crucial to the middle class—would be barreling head-first into a dead end. Speaker RYAN needs to do what is best for the country and work in a bipartisan way to fund the government, even if not every faction of his caucus will go along. If he lets the Freedom Caucus be the tail that wags the dog, there is no way we will reach an agreement that can pass the Senate, and it would jeopardize the positive discussions going on right now about the budget, disaster aid, immigration, and more.

REPUBLICAN TAX BILL

Mr. SCHUMER. Now, for a word on the Republican tax bill, even as corporations plow tens of billions of dollars into share-buybacks and stock-repurchasing programs, instead of raising wages or hiring more workers, President Trump and congressional Republicans are doing their best to portray their \$1.5 trillion corporate giveaway as a boost to working Americans.

I am sure that President Trump's address in Ohio today will focus on the few companies that have given bonuses, but I wonder how many of those bonuses delivered around Christmas were annual and would have been given anyway. I wonder how many of those bonuses were linked to the tax bill in corporate press releases to curry favor with the President, even though they would have been given anyway.

I bet President Trump will not mention a thing about the slew of layoffs and stock buybacks in the wake of the bill. I bet he will not dare mention that 80 percent of the benefits of this bill went to the top 1 percent and that the middle class should have gotten a lot more than they are getting. We all know that corporations have spent billions enriching their shareholders,