

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,

while the middle class is waiting for the trickle-down effects that may never come.

Imagine if all the money that went into tax breaks for corporations and the superrich went to the middle class instead. If that were the case, then President Trump would actually have something to boast about in Ohio today.

This weekend Speaker RYAN showed just how far Republicans will strain credulity to claim their tax bill helps working Americans. He tweeted: "A secretary at a public high school in Lancaster, Pennsylvania, said she was pleasantly surprised her pay went up \$1.50 a week . . . she said [that] will more than cover her Costco membership for the year."

Someone must have told him how out of touch that was because Speaker RYAN soon deleted the tweet. As high school secretaries get \$1.50 a week in savings, the wealthiest 0.1 percent of Americans are getting an average of about \$3,000 a week—high school secretary, \$1.50; top 0.1 percent, \$3,000 a week. Because of the tax bill, the Lancaster secretary may well be able to afford a membership to a big-box store, but the top 0.1 percent can now afford a new Bentley. Is that fair? Is that right? Is that what the American people wanted? No way. No way.

All the propaganda and millions of dollars of ads from the Koch brothers and all these other rich people—the handful of rich people who have so much say on the Republican side—all the ads they will pay for will not make up for that fact, and the American people see it.

The fundamental unfairness at the center of the Republican tax bill is this. Corporations and the superrich are having a bonanza while American workers are left with paltry savings. Considering the Republicans spent \$1.5 trillion in Federal resources to pass their tax bill, the middle class should have gotten a whole lot more—a lot more than \$1.50 a week.

When President Trump takes the stump in Ohio, we can expect to hear a lot of talk about how his tax bill is helping American workers, but every American should know that the reality is different.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, on Friday, the Trump administration declassified and released the contents of the deceptive Nunes memo. It is the latest distraction concocted by Republicans to protect the President of their party from the conclusions of a truly independent investigation. Shamefully, it is the latest abuse in a long line of partisan broadsides against the FBI, the Nation's premier law enforcement agency. These attacks erode faith in the rule of law.

At least the American people can now see the Nunes memo for what it truly is: an impotent document of GOP

talking points. Far from being the smoking gun that many Republicans, rightwing media outlets, and Russia-linked bots claimed it would be, the Nunes memo just blows smoke. It is full of misleading conclusions based on innuendo.

What it does confirm does not vindicate the President or prove bias at the Department of Justice. It confirms that the Steele dossier was not the catalyst for the Russia investigation, debunking a favorite rightwing talking point. Let that sink in. The FBI was concerned about Trump campaign advisers linked to Putin's spy services before—let me repeat, before—the Steele dossier existed. This idea that the Steele dossier created all this is just plain wrong, and even their own memo admits it.

The Nunes memo also confirms that a three-judge panel, on multiple occasions, thought it was in the best interest of our national security to monitor a Trump campaign adviser for his troubling links with the Kremlin.

Seeing as House Republicans saw fit to release the contents of their partisan memo, they should certainly support the release of the memo prepared by Ranking Member SCHIFF. If House Republicans had any semblance of fairness, they would vote to release the Schiff memo. It is based on the same underlying documents. If it was all right to release the Republican memo on these documents, it should be all right to release a Democratic memo based on the same documents.

Meanwhile, President Trump still refuses to implement the sanctions that passed by an overwhelming bipartisan majority in Congress. I have to say, if President Trump and his allies spent half the time standing up to Putin as they do attacking our own FBI, we might actually get somewhere with Putin. But the administration seems to fear doing anything to upset him. The American people ask: Why? Why is Donald Trump so afraid to upset Mr. Putin?

What are they so afraid of? It is inexplicable to me that the President of the United States and his allies are far more concerned with attacking American law enforcement agencies than standing up to Russia. President Putin interfered with our sacred democratic process. The very process we exalt—correctly so—in our schools and teach our children is so wonderful, Putin is trying to make a sham of. He is trying to interfere with it. We hardly hear a peep out of President Trump and so many Republicans on this side of the aisle who used to go after Putin, to their credit, regularly.

We have an investigation into the matter of Putin's engagement in our elections by one of the most trusted and nonpartisan civil servants in Washington, but because that investigation might include some wrongdoing by the President or his close associates, too many Republicans in Congress and, of course, the conservative media have

turned on the FBI rather than on Putin.

It is far more than disquieting. It is the worst place that partisan politics can go. The vital interests of our Nation are being subverted to the benefit of a foreign hostile power. A Congressman says that we are witnessing a "coup" on the House floor. A Senator floats the possibility of "secret societies." The Speaker of the House suggests a "cleansing" of the FBI.

For partisan reasons, the President and his allies in Congress are systematically trying to weaken America's faith in the rule of law, and to a large extent, sadly, the leaders of the Republican Party have been silent.

A few notable exceptions, including my dear friend Senator JOHN MCCAIN, are speaking out about the real threat here—not the FBI, not our career law enforcement officials, not Special Counsel Mueller but President Putin and his war on democratic societies and democracy in general.

We desperately need more of our Republican friends to stand up and speak out, particularly the Republican leadership, because their silence is rapidly becoming complicit in the denigration of our Republic—something that is happening, unfortunately, before our very eyes.

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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

FUNDING THE GOVERNMENT

Mr. LEAHY. Madam President, we are now 128 days into the fiscal year. For 128 days, we have failed to fulfill our basic responsibility of funding the government. Congress has not reached a bipartisan budget deal, even though, in past years, we always would have by this time. So the government is on autopilot.

Across America, just as I find in Vermont, around families' kitchen tables, people are asking how to address the opioid crisis. Veterans are asking us why it takes months to get a doctor's appointment at the VA. People are worrying about having to stop working if they can't get quality and affordable childcare. So many have stopped me in the street to talk about how they are struggling to pay off college loans.

Well, it has been 128 days. Instead of saying: We will get to it, the check is in the mail, let's actually get to it, we have had four continuing resolutions. It is about time we get serious about a bipartisan deal and get the budget going. Let's, for once, get past the