

merits, but rather to respond to a particularly pernicious and deeply misguided criticism of his life and his jurisprudence. Nor should my reflections be interpreted as evidence that he is, as some have claimed, a results-oriented jurist. That Justice Thomas's expressed constitutional commitments are both genuine and self-binding is, in my view, established in an undeniable record of reaching conclusions that run counter to his personal preferences. And, I think it important to note, Justice Thomas himself has spoken on the subject of how a judge best serves the "little guy" and that is to maintain fidelity to the law. As Thomas once explained, "A judge must get the decision right because, when all is said and done, the little guy, the average person, the people of Pinpoint, the real people of America will be affected not only by what we as judges do, but by the way we do our jobs." And, in living out that aspiration, every day, Justice Thomas has become a model jurist, worthy of our commendations on this day.

Sincerely,

NICOLE GARNETT,
Professor of Law.

US-RUSSIA NUCLEAR COOPERATION

Ms. MURKOWSKI. Mr. President, today I wish to note the importance of growing Russian-American cooperation in the field of civil nuclear energy. Our common interests in this area are a significant opportunity to enhance energy security and economic growth for both nations. Just as importantly, building on a good record of cooperation on nuclear energy can form a basis for improving our relationship with the Russian Federation more broadly.

As the two largest nuclear complexes, the United States and Russia play an essential role in setting global standards. We have worked effectively together on non-proliferation initiatives through the Nunn-Lugar program for nearly a generation. But our cooperation in nuclear energy is not as well known.

Russia has long been America's largest foreign partner in nuclear power through the HEU-LEU Agreement of 1993. Better known as the "Megatons-for-Megawatts" agreement, Russia's nuclear corporation Rosatom has converted fissile material from thousands of weapons into energy for American homes and businesses. Nearly half of the fuel used in U.S. reactors is of Russian origin, which accounts for 10 percent of the electricity produced in this country.

In terms of nuclear technology, we have a lot to learn from one another. If the event at the Fukushima reactors in Japan has taught us anything, it's that nuclear safety is an issue that crosses borders. The recent signing of the "Joint Statement on the Strategic Direction of U.S.-Russian Nuclear Cooperation" between Rosatom and the Department of Energy is a good example and will take advantage of Russian technological leadership on advanced reactors with passive safety systems. It recognizes that the long-term answers on nuclear safety will be a new generation of inherently safe reactors.

I applaud the work of the Nuclear Energy and Nuclear Security Working Group led by Deputy Energy Secretary Dan Poneman and Rosatom Director General Sergey Kirienko. By expanding their joint efforts to include nuclear safety and development of a global framework for nuclear energy, they are bringing the world's best technical expertise to bear on critical issues that must be addressed to sustain public confidence in nuclear energy.

Mr. President, cooperative efforts between the United States and Russia in civil nuclear energy are a success story in an often complex relationship. Building on this relationship should be a priority for both countries.

ELECTRONIC COMMUNICATIONS PRIVACY ACT

Mr. LEAHY. On October 21 we will celebrate the 25th anniversary of the enactment of the Electronic Communications Privacy Act, ECPA, one of the Nation's premiere privacy laws for the digital age. Since the ECPA was first enacted in 1986, this law has provided privacy protections for e-mail and other electronic communications for millions of Americans who communicate and transact business in cyberspace.

Today, the many rapid advances in technology that we have witnessed make this key privacy law more important than ever if we are to ensure the right to privacy. Just in the past few months, we have witnessed significant data breaches involving Sony and Epsilon that impact the privacy of millions of American consumers. We are also learning that smartphones and other new mobile technologies may be using and storing our location and other sensitive information, posing new risks to privacy.

When I led the effort to write the ECPA 25 years ago, no one could have contemplated these and other emerging threats to our digital privacy. But today, this law is significantly outdated and outpaced by rapid changes in technology and the changing mission of our law enforcement agencies after September 11. At a time in our history when American consumers and businesses face threats to privacy like no time before, we must renew the commitment to the privacy principles that gave birth to the ECPA a quarter century ago. That is why I am working to update this law to reflect the realities of our time.

Before the end of the calendar year, the Judiciary Committee will consider legislation that I have drafted to update the ECPA and to bring this law fully into the digital age. My bill makes several commonsense changes to the law regarding the privacy protections afforded to consumers' electronic communications. Among other things, my bill gets rid of the so-called "180-day rule" and replaces this confusing mosaic with one clear legal standard for protection of the content

of e-mails and other electronic communications. This bill also provides enhanced privacy protections for American consumers by expressly prohibiting service providers from disclosing customer content and requiring that the Government obtain a search warrant based on probable cause to compel the disclosure of the content of an individual's electronic communications.

The ECPA Amendments Act also gives important new privacy protections for location information that is collected, used, or stored by service providers, smartphones, or other mobile technologies. To address the role of new technologies in the changing mission of law enforcement, my bill also provides important new tools to law enforcement to fight crime and protect cybersecurity including—clarifying the authority for the government to temporarily delay notice to protect the integrity of a law enforcement investigation and allowing a service provider to disclose content that is pertinent to addressing a cyberattack to the government to enhance cybersecurity.

I drafted this bill with one key principle in mind—updates to the Electronic Communication Privacy Act must carefully balance the interests and needs of consumers, law enforcement, and our Nation's thriving technology sector. I also drafted this bill after careful consultation with many government and private sector stakeholders, including the Departments of Justice, Commerce and State, local law enforcement, and members of the technology and privacy communities.

As the ECPA approaches its silver anniversary, I join the many privacy advocates, technology leaders, legal scholars, and other stakeholders who support reform of the ECPA in celebrating all that this law has come to symbolize about the importance of protecting Americans' privacy rights in cyberspace. I hope that all Members will join me in commemorating this important milestone anniversary and in supporting the effort in Congress to update this law to reflect the realities of the digital age.

TRIBUTE TO BARRIE DUNSMORE

Mr. LEAHY. Mr. President, Vermont benefits both by the people who were born there and those who come to Vermont and make us even better.

One of those people who has chosen Vermont is Barrie Dunsmore, who before his change in careers had been one of the foremost reporters and commentators on the national news scene. When he and his wife, Whitney Taylor, and his daughter, Campbell, came to Vermont, we Vermonters have benefited by his columns in *The Rutland Herald* and his commentary on Vermont Public Radio. Recently Barrie took a number of his columns and collected them in a book, "There and Back." I could not begin to do his writings justice, but my wife Marcelle