

that at present our country is threatened not only by our current dependence on foreign oil, but also by a possible future dependence on Russian uranium needed to fuel U.S. nuclear reactors.

Earlier this year, when President Bush traveled to Russia for the G8 summit, I was pleased to join in a letter led by Senators DOMENICI, BINGAMAN and DEWINE that expressed our concern about further expansion of Russian uranium into the domestic marketplace. We wrote of our concern that any changes proposed in either the Highly Enriched Uranium, HEU, Agreement or the Suspension Agreement would have the potential of making the U.S. more dependent on foreign sources of nuclear fuel at a time when domestic sources are being developed. Further, the letter stated that additional Russian access to the U.S. market at this time is likely to result in market destabilization potentially jeopardizing resurgence of the nuclear-related industry.

Frankly, I am concerned not only based on our goal being secure in our energy needs, but because of concerns regarding our national security. Russia is the largest single supplier of uranium enrichment services to U.S. utilities, providing 45 percent of the domestic market.

Unfortunately, a recent decision of the U.S. Court of Appeals for the Federal Circuit has created a possible loophole in U.S. antidumping law that could further expose the U.S. to a greater reliance on Russian uranium. This decision is important because the United States government is currently engaged in negotiations with Russia over possible changes to the U.S.-Russian Suspension Agreement, with critical meetings to take place this month and in January.

Unfortunately, this possible loophole may compromise the administration's negotiating position because Russia now believes it can simply terminate, rather than renegotiate, this agreement, and subsequently exploit this possible loophole to avoid any dumping liability on its low enrichment uranium exports. Under this decision, the Russians can designate their uranium fuel as a "service" and bypass the U.S. trade restrictions that are in place to regulate the import of "goods".

I had planned to offer a narrow amendment expressing concern over possible Russian plans to export more uranium and to support maintaining the existing Suspension Agreement and HEU Agreement between the United States and Russia. In fact, I have a communication from the National Security Council that states the administration's support for language similar to the amendment I had drafted.

The basis for my concerns for our national security is this: should the Russians back out of the Suspension

Agreement in an effort to obtain direct access to the U.S. nuclear fuel market, this could undermine and disrupt the HEU Agreement. The bottom line is the Suspension Agreement and the HEU Agreement have a direct relationship. It is clear to this Senator that changes to the Suspension Agreement would have significant consequences to the HEU Agreement, and there is no doubt that ensuring uninterrupted execution of the HEU Agreement is absolutely in the U.S. national security and energy security interests.

That being said, I understand there is concern with addressing the issue at this time, and I have decided to withhold further action. While I am disappointed that there is not enough time in this Congress to deal with this important issue, it is my hope that this situation can be quickly addressed in the 110th Congress.

(At the request of Mr. ALLEN, the following statements were ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. WARNER. Mr. President, rollcall vote No. 275 was in reference to Executive Calendar No. 924, the nomination of Kent Jordan to be a U.S. Circuit Court Judge for the Third Circuit. I had to be necessarily absent from this vote so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote, I would have voted for cloture on the nomination.

Mr. President, I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to invoke cloture on the tax extenders package, I would have voted in favor of it.

I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to waive regarding the tax extenders package, I would have voted in favor of it.

I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the tax extenders package, I would have voted in favor of it.●

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL

• Mr. WARNER. Mr. President, I speak in support of legislation that passed the Senate unanimously last evening to establish the CAPT John Smith Chesapeake National Historic Trail.

This House legislation, championed by my Virginia colleague, Congresswoman JO ANN DAVIS, and supported by many in the Chesapeake Bay watershed, is the companion to S.2568, introduced by Senators SARBANES, ALLEN, MIKULSKI, CARPER, BIDEN, SANTORUM, SPECTER, and myself. It establishes the first all-water trail in the National Park Service trail system. This trail commemorates Captain John Smith's 2,300-mile voyages to explore the Chesapeake Bay and its tributaries in 1607-1609, and will become an important component of our national ceremonies next year to mark the 400th anniversary of the establishment of Jamestown in 1607.

Events to commemorate the 400th anniversary of Jamestown, the first permanent English settlement in America, will remind Americans that Jamestown was the birthplace of representative democracy, religious freedom, free enterprise, and as distinguished by the voyages of John Smith, the spirit of exploration. The cornerstone of this year-long commemoration is to tell the complete story of the convergence of three cultures at Jamestown between Europeans, Native Americans, and African Americans.

Central to understanding the first encounters between the English and Virginia native tribes, and the bounty of the bay that sustained the early settlers are John Smith's diaries. It is those diaries that give a first-hand account of the interaction of the English with Native American tribes throughout the bay during Smith's journeys. Captain Smith also wrote in vivid detail about the living resources of the bay, the abundance of shellfish, finfish, and other species, as his small group traveled in their 28-foot shallop.

Many people and organizations deserve credit for their work to advance the concept of a national water trail. Principal among these are Patrick Noonan, chairman emeritus of the Conservation Fund, and Gilbert Grosvenor, chairman of the board of the National Geographic Society. They had the vision to see that a new national trail to mark John Smith's travels of the Chesapeake bay would foster renewed interest in early colonial history, highlight the importance of geography and the bay's natural resources in sustaining life, broaden our understanding of the contributions of Native American tribes, stimulate heritage tourism, and expand educational efforts to restore the Bay's ecosystem.

The Conservation Fund and the National Geographic Society's steadfast