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East-West Relations and the Senate of the U.S.

Mike Mansfield 1903-2001

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CONGRESSIONAL RECORD—SENATE

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE CONSULAR CONVENTION—EAST-WEST TRADE ACT

Mr. MANSFIELD. Mr. President, as I noted in remarks several days ago, there will be before the Senate, at some future date, the question of a consular treaty between the United States and the Soviet Union. Sometime later in the session we may also be called upon to consider an East-West trade bill.

Both measures are sought by the administration. Both are foreshadowed in the President's state of the Union message. Both are elements in a continuing policy of improving relations with Eastern Europe.

This policy began during the Eisenhow­er administration. It reached a legal milestone in the ratification of the Nuclear Test Ban Treaty in the Kennedy administration. The two measures with which we are now concerned— the Consular Convention and the East-West Trade Act—are additional blocks which will enable President Johnson to continue to build this policy.

Although the measures are limited in purpose and readily understandable, the aid, I regret to say, is beginning to fall with the slightest appearance of tendency and distortion of their intent. The sooner certain misapprehensions are corrected, the sooner the facts are put straight, therefore, the better.

In this respect, I wish to take occasion to commend the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, for the three letters which he wrote, covering the proposed consular pact. I think that Mr. Hoover should not have been asked to appear before the Committee on Foreign Relations. Had I been present when that motion was made, I would have spoken against it and voted against it.

Mr. Hoover is not a policymaker. He is one who carries out policy. In his letters, he has, to the best of his ability, answered questions raised, but he has tried to steer clear, in my opinion, of becoming involved in any way in the consideration of the Consular Convention which will be before the Senate sometime in the future.

I think that those who tend to use Mr. Hoover's letters one way or another do him a disservice, because he has only been carrying out the functions of his office and trying to keep within the confines of his responsibilities. I, for one, think that he has done a good job in observing and putting down on paper just what those responsibilities are in the carrying out of policy, not in the making of policy in this matter.

Let us be clear at the outset that the President is not asking for authority in either the proposed consular treaty or the East-West Trade Act to make any one-sided bestowal of anything on any nation. In fact, his message and those of his Secretary of State are emphatic and unequivocal. Where a quid emerges from these measures, there will be a quo.

What is sought in an East-West Trade Act, for example, is a measure of discrimination in the negotiation of commercial agreements with nations of Eastern Europe. Any such agreements would have to be judged by the President to be in the interest of the United States. That means that they would have to embody a reasonable matching of benefits received for benefits extended.

It may be said that the United States-Soviet Consular Convention is, in some ways, more one-sided in its approach. But if it is, it is one-sided on the side of the interests of the United States. I do not see how it can be regarded as otherwise when it is noted that more and more American citizens are becoming involved in the Soviet Union in recent years. In 1966, for example, the number was over 18,000, an increase of several thousand over the previous year. This number and trend contrasts with the flow of Soviet visitors to this Nation, which was less than 1,000 in all of 1966, a more or less stationary count, as compared with the previous year.

With an 18-to-1 ratio of visitors, bear in mind that the legal systems of the two nations vary in their concepts of the legal system of our country. Bear in mind, too, that U.S. laws apply to Soviet citizens when they are in this country, just as Soviet laws apply to Americans when they are in the Soviet Union. Then note, Mr. President, that the primary purpose of the proposed convention is to open consulates--the President can do that without this convention—rather the primary purpose is to assure the right of prompt diplomatic access and support to nationals of one nation when they run afoul of the law while traveling in the territory of the other.

Is there any need to ask ourselves the question: Who has the greater requirement for the legal protection which this treaty would make possible. Americans traveling in the Soviet Union or Soviet citizens traveling in the United States?

In view of the disparity in the number of travelers as between the two nations, is it not readily apparent which has the greater need to expand its diplomatic and consular facilities in the territory of the other?

It is true, of course, that the Consular Convention will not produce an automatic matching of U.S. consulates in the Soviet Union or vice versa. Indeed, it is not at all certain that it will have the effect of adding even one at this time, without or with the convention, as I have noted, the responsibility in this Nation rests with the President to negotiate the terms on which Soviet consular facilities are permitted to operate here and U.S. consulates in the Soviet Union. We have it from the Secretary of State that what is envisioned in these consulates at this time is likely to be something on the order of one for one, rather than any great overall number or a lopsided ratio.

The word of the Secretary of State in this connection should set to rest some of the fear of espionage which has been associated with the proposed Consular Convention. Yet the question of espionage, since it has been raised, should be discussed openly and frankly. It is inherent in the very nature of any treaty, the more so if the sources and number of foreign representatives, the greater the prospect of improper activity of this kind. The reason given sound but it is not the situation is doubtful. On the basis of that reasoning, the only logical course would be not only to reject this proposed consular exchange but also to reverse all previous consular and diplomatic exchanges. At the end of that trail is not only the demise of the proposed Consular Treaty or East-West Trade Act but also the severance of every kind of existing contact with the Soviet Union and Eastern Europe and all foreign nations. After all, it is not unprecedented to discover on some occasion an employee in the embassy of a third nation selling information to a first or second country, if not, indeed, to this Nation.

I carry the logic of this argument against the Consular Convention to an extremity only to make clear that no move, however high the intention, for the exclusion of contact with certain nations, there is no absolute insulation from the possibility of espionage. Of course, there are risks of espionage for this Nation, for all nations, in new consulates, as there are in old embassies, as there are in any exchanges of persons within any nation, and in this era of advanced technology, there are risks of espionage even without exchanges of persons. That there will be risks there is not the question. To the extent that there is a question here, it lies in the adequacy of the safeguards which we have established against them.

The United States has its agencies for dealing with these questionable activities, as does every other nation, including the Soviet Union. I would say, however, that the FBI is at least as competent to control the risks in the United States as is the K.G.B. in the Soviet Union. And if there is an increase in the responsibilities of the FBI in this respect, can there be doubt that they would be supplied with what it needs to meet these additional responsibilities?

Turning to the East-West Trade Act, I would note again that there will be no automatic agreements with anyone as a result of its enactment. The application of the act will be strictly internal, involving only the authority of the President of the United States in the field of international commercial relations. The measure will merely open the door for him to enter into useful discussion and bargaining with Eastern European countries. His position for this purpose would be stronger to some degree but not to the same degree as it is now. For the concern of Eastern Europe is concerned, the East-West Trade Act would not remove the prohibitions on trade in strategic goods. In agreement with nations of that region would still have to be based on conditional rather than unconditional most-favored-nation treatment.

The possibility of the East-West trade bill, therefore, is a hope for a
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Impending measures. The United States has signed a communique with its NATO allies. It calls for "the removal of barriers to trade and technical exchanges between countries of different social and economic systems." We have also pledged this Nation to work with other major powers to preserve an open political, economic, social, scientific, and cultural relations with the Soviet Union and Eastern Europe.

If it is true that some time ago in discussions of U.S. troop reductions in Europe, that our European allies have moved far on their own in these directions. Whether or not, we are prepared to recognize it, the Eastern Europeans know that times have changed in Europe and for Europe and that the progress of reconciling a divided continent is already well advanced. Their trade policies reflect this recognition. Travel, communications, and other intra-European contacts and relations reflect it. The limited and declining contributions of mutual security by the Western states and Europeans are prepared to make to NATO reflect it.

I would note, in particular, the attitude of Western Europe, which is a country that is presumed to have more reason than others to fear for its security, that is presumed to have more reason than Western Europe with suspicion and fear. Here also is a country that is presumed to be predisposed to distrust all contacts with Eastern Europe.

Yet, here is a great trading nation that leads all the others in the West in the volume and value of its trade with Eastern Europe. And here also is a courageous nation with a new government whose first major act of foreign policy is to make clear that it is prepared to go so far in seeking by diplomacy to close the breach with Eastern Europe.

If the United States is to retain a semblance of an economic policy with Western Europe for the security of the North Atlantic region, changes in our policies on East-West relations are in order. The resistance to a return to isolationism is to mean something more than merely remaining in Europe in military isolation, we will have to face up to the process of reconciliation which is proceeding today, between Eastern and Western Europe and we will have to adjust policies in accordance therewith.

The tragedy of Vietnam, as I noted the other day, acts as a severe deterrent on the rational consideration of the con- 

sular treaty, the East-West Trade Act, or any other matter involving the East-
ern European nations. But the tragedy will be completely forestalled by a sensible consideration of measures which have validity in themselves, measures, which in themselves, are of direct advantage to this Nation.

Finally, the Consular Convention and the East-West Trade Act are relevant elements in the continuance of the step-by-step process that will replace a dangerous rivalry and a fearful hostility with a more durable basis for the survival of world civilization in a nuclear age.

That policy is even now probing for common international ground upon which to control nuclear weapons, to negate the deployment of antiballistic missile systems—and well on yesterday by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) — and to banish war from the scene. To ask that I repeat. Mr. President, the tragedy of Vietnam will be compounded if it causes us to shrink from the rational consideration of these two major issues from the faint but authentic lights of peace.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Mr. President, I commend and congratulate the majority leader for this most constructive speech with respect to two questions that require the unimpassioned analysis and serious consideration of every Senator.

It is unfortunate that, due to other senatorial responsibilities, more Senators were not present to listen to the fundamental logic of the position of the Senator from Montana in the opening of the Consular Treaty and East-West trade.

I have a copy of his address and have read it. I would like to study it further as I know other Senators will when it appears in the Record.

In the remarks he has made this morning, the distinguished majority leader has once again made a major contribution to clear thinking on problems which are the security and well-being of his country.

Mr. MANSFIELD. Mr. President, I thank the distinguished senior Senator from Missouri for his kind remarks, and I know that he will give rational consideration to this proposal which could mean so much for the future of this country in the difficult months, years, and decades which lie ahead.

Mr. President, I ask unanimous consent to have printed at this point in the Record a letter dated January 23, 1967, from Assistant Secretary for Congressional Relations, Douglas MacArthur II, in response to a question by a statement of the U.S.-USS.R. Consular Convention and the United States-Soviet Consular Convention—all of which was furnished me at my request.

There being no objection, the documents were ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE;

DEAR SENATOR: There has been a good deal of misunderstanding about the U.S.-Soviet Consular Convention which is now pending before the Senate Foreign Relations Committee. As a clear up such misunderstandings, we have issued a statement which I am enclosing in view of the general interest in this important matter.

The statement makes clear that the Consular Convention does not authorize, propose, or provide for, any opening of a single United States Consulate in the Soviet Union, or a single Soviet Consulate in the United States. It does not permit the Soviets to send a single extra personnel to this country, or say that it will send anyone to the Soviet Union.

What it does do is to provide that we will be able to appoint of arrests or detentions within one to three days, and allowed to see them within two to four days. At matters of this kind, an appeal can be filed in "communicado until the investigation by the
Soviet authorities is completed and this can take up to nine months or more. Last year we had 50,000 U.S. citizens visiting the country. We earnestly believe, therefore, that the balance of advantage in this Convention lies heavily with the United States. It will give us the tools we need to protect American citizens traveling in the Soviet Union.

This is a more comprehensive but still brief statement on the purposes and effects of the Convention which I hope you will find useful. If you have any further questions about the Consular Convention please don’t hesitate to let me know as I would be glad to arrange a briefing on this matter for you.

Sincerely,

Douglas MacArthur II,
Assistant Secretary for Congressional Relations.

STATEMENT OF THE UNITED STATES U.S.S.R. CONSULAR CONVENTION
(Excerpt from State Department Press Briefing, Jan. 29, 1967)

Following up on Secretary Rusk’s testimony on the U.S.-USSR Consular Convention before the Senate Foreign Relations Committee, I would like to set up clear some of the misunderstandings surrounding this agreement. And I might add that this misunderstanding is not common among our opponents and supporters of ratification.

The Consular Convention does not authorize, does not provide for, or require the opening of a single United States consulate in the Soviet Union, or a single Soviet Consular office in the United States. It does not permit the Soviets to send a single extra personnel to this country, nor does it let us send anyone to the Soviet Union.

What it does do is to provide ground rules for the conduct of our consular and diplomatic personnel. It is a necessary means of laying the groundwork for expanded trade with that country.

These ground rules, which represent major concessions by the Soviet Government, specify that we will be notified of the arrest or death of American citizens within one to three days, and allowed to see him within two to four days. As a matter of routine, we are granted these rights not only to Americans, but to all foreigners arrested in the United States.

But, in the Soviet Union, even the American citizens enjoy no such rights. They are held incommunicado until the investigation is completed; and this investigation can take nine months, or more.

These ground rules go into effect the minute the Senate gives its advice and consent to the separate question of opening consulates. The officers attached to the Consular Section of our Embassy in Moscow will enjoy notification and access rights under this Treaty the moment both parties ratify it. Thus, tying the idea of opening consulates to the idea of approving this Convention confuses the issue. The issue is do we need better tools to help protect Americans who get into trouble in the USSR?

The United States-Soviet Consular Convention

We believe that the ratification of the U.S.-USSR Consular Convention is clearly in the national interest and, on balance, more valuable to the United States than to the Soviet Union. This Convention is part of our balanced strategy for peace, aimed at limiting the areas of disagreement in our relations with the USSR while we are resisting communism in other countries of the world.

During the Eisenhower Administration, Secretary of State Christian Herter suggested to Dean Acheson in 1957 that a bilateral Consular Convention be negotiated and first drafts were exchanged. Negotiations were completed in 1964. President Johnson concurred in the approval of this agreement in both his October 7, 1966 speech in New York and his January 10, 1967 State of the Union message.

This Convention will permit this Government to assist and protect more effectively those American citizens who annually travel in the USSR. If a citizen of either country is detained or arrested, the Convention will enable the American or Soviet consul of that citizen’s country to be notified within three days and that access to the prisoner by a consular official be granted within four days. These provisions will come into force when the treaty is ratified.

Without the protection of such an agreement, American citizens have frequently faced imprisonment in the Soviets, and have been denied access to American consular officials. The Soviets, however, have enjoyed full access to their citizens in the United States.

This Convention gives full immunity from criminal jurisdiction to consular officers and employees of both countries. We would not send American consular personnel to serve in the USSR without this protection.

Fifty Americans in the Soviet Union, with the Soviets permitted to send the same number here. In accordance with Secretary Rusk’s statement before the Senate Foreign Relations Committee, we would plan to consult with the state and local officials of the community to be affected before considering such an agreement.

As an example, I received a letter this morning complaining about and objecting to our giving wheat to Russia. Well, this is the first time I knew that we had ever given any wheat to Russia. As I remember, Russia bought some wheat from us 1 or 2 years ago and paid cash on the barrelhead for it. So far as I know, they have never asked credit from us in any way.

But, in another sense, it appears to me that some of the countries of Eastern Europe present a better field for understanding and for expansion of trade than does Russia.

We produce in this country, and have to sell, much of the same type of goods Russia does.

However, so far as Eastern Europe countries are concerned, for several years past we have been discussing how to get them closer to the West economically, and it would be a step toward getting nearer to us politically when we once trade with them. But in the meantime, it is people who say, “No, we must have nothing to do with them.” If they try to loosen their ties with Russia, they say, “We know they have been complaining about and objecting to you, if you try to get looser from the ties that bind you to the Russian Government.”

Three or four months ago, a large group of American businessmen, who certainly could not be called communist in any sense of the word, visited Eastern Europe—I believe they also went into Russia—for the purpose of laying the groundwork for expanded trade with that country. They worked for weeks to see if the Eastern Europe feels much closer to the Near West than it does to the Far East. I believe that a wonderful opportunity exists for expanding trade with Eastern Europe, which, as a matter of fact, Russia feels much closer to.

For example, even Yugoslavia—which, with guns and ammunition obtained from us, held the Communists back from going down in Romania—Yugoslavia does about 70 percent of its business with the West—largely, West Germany. If I recall correctly, although they would prefer to do more business with the United States if we did not discourage it, Poland does as much business with the West as it does with Russia.

Further, I was interested to see that West Germany—which cannot be called communist in any sense of the word—or Senator Mansfield has pointed out, has recently adopted a program of exchanging ambassadors with Rumania. Certainly, Rumania is in many respects very akin to West Germany.

Why do we force them to continue to be tied to Russia in any way? People say that these countries are tied to communism. They are not. These countries are tied to the Russian Government. Why do we force these countries to do that, when they hope to become closer to us? I believe that what the Senator—
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from Montana has said could well be repeated.

Yesterday, I referred to the fact that I receive much hate mail—and I receive some that is not hate mail—from people who actually believe what they are writing. You can recognize the organization mail, the agitators mail, because it is the same sort at all times and from all over the country. But a lot of good people in the United States are misinformed, and for that reason they take positions which, I believe, they would not take if they were well advised as to the facts.

Mr. MANSFIELD. Mr. President, as always, I am indebted to my distinguished colleague and friend, the senior Senator from Vermont.

The Senator mentioned receiving a letter from a constituent asking about the amount of wheat we had “given” to Russia. Strangely enough, I have received the same sort of mail, and I have written back and told them that we are not given the Russians any wheat, that we did enter into commercial contracts with the Russians, which were repayable within a 16-month period.

Do I state the situation correctly?

Mr. AIKEN. The Senator is correct. They paid the price and it is gold, as I recall. They paid the regular market price for the wheat they bought.

Mr. MANSFIELD. And they entered into the regular commercial 16-month contract.

Mr. AIKEN. No; I think they paid cash. The regular terms are 18 months.

They paid into their own pocket. They did with Canada, I know. But, certainly, they paid what in effect was cash—so much at the beginning and so much on certain periods thereafter.

Mr. MANSFIELD. As a matter of fact, if I recall correctly, they made a rather large downpayment at the very beginning.

Mr. AIKEN. Yes, they did. I cannot remember now what percentage it was, but it was a very high and fully guaranteed, I think, at the very beginning, when the deal was made.

Mr. MANSFIELD. Mr. President, I wonder sometimes just what we are doing in this country with regard to the Soviet Union. As I understand it, we do not take advantage of situations and make moves which would react to our benefit. As the distinguished Senator from Vermont has brought out, Eastern Europe countries would like to move closer to the near West rather than in the direction of the Far East, and that is true, in part, because culturally they are more inclined toward the West. If we can sell goods in those countries, if demands are created for our goods, I think it is quite possible on that basis, as well as others, that modifications of the economic system there might result.

As a matter of fact, therefore, that despite the attitude of the U.S. Government in supporting moves by one of the larger countries to enter into a contract with an Eastern European country and by a large American motor company which is encountering difficulties to enter into a similar contract having to do with the Soviet Union, I believe, pressures have been created in the United States which have forced him to back down. It is the same with these moves which they thought would be in their own best interests and which would not have been detrimental to the interests of the United States. In the case of the American motor company, it is receiving complaints and inquiries from a number of sources and we have an opportunity to pick up some of the slack, to expand production and employment and perhaps to increase what little profits it had.

Here we have these proposals which are small steps along the road which we would hope to follow to the diminution of the fear and the distrust and the frustration which confront our people. Here we have proposals, and especially the consular convention which are clearly and unequivocally in the interest of the United States, being distorted, being made the subject of dishonest propaganda, being used by activists and lobbying groups, to create a situation which, in my mind, has placed the consular convention in unwarranted disrepute.

I am sure that the Members of the Senate, however, will look at this matter very carefully on the facts, and I would hope that they ask themselves one question: If there is to be a consulate in the Soviet Union, do we want to give them the opportunity to be employed in that consulate the full protection which diplomatic immunity will allow them to have? If a consulate is established—and it can be established without any action being taken by the Senate—do we want to send American there to a consulate to take their chances and if picked up, for some reason or no reason, to be subject to 9 months in jail, as Soviet citizens, without the right of any protective immunity which should be theirs, if for no other reason than that they are employees of the American Government.

I cannot think of any people who are opposed to this proposal and who are not willing to give our own people the maximum possible diplomatic protection in the Soviet Union. And I think that the Senate has had this consular convention before, maybe, Newcomb Mott might be alive today.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have no idea that the American people have been not only uninformed but misinformed. As the Senator from Montana undoubtedly knows, we are getting large amounts of mail now saying that the Soviets will establish four consulates in this country and that will give them great opportunity for spying. Of course, every consulate in every country, every embassy from every country is supposed to learn all that it can about what is going on in other countries. The Soviets have a much easier time in learning what is going on in the United States than we do in learning what is going on in the Soviet Union.

Mr. MANSFIELD. Exactly.

Mr. AIKEN. If there is a new machine invented invented this year at a trade convention and get the information with respect to it to it. If they want maps and other documents which might be classified and get them from the Government Printing Office here. It is not difficult for them to get information because we are proud to tell the rest of the world what we are doing and the progress we are making. But we have difficulty in getting information from over there. I think it is perhaps more difficult to find out what is going on in the interior of Russia than any other parts of the world, unless it is China.

Mr. MANSFIELD. The Senator is correct.

Mr. AIKEN. As I said yesterday, I had given too much attention to this consular treaty until I began to realize that it was for our protection, rather than giving added advantages to the Russians, that our Government was so anxious to have it agreed to. It would not give us advantages over them; it would give us equal advantages with them for the protection of our people stationed overseas.

Mr. MANSFIELD. I have received literally hundreds of letters in connection with this treaty. I have not received one letter in favor of it, not a single letter, because most of them come from groups: a good many of them, organized, and a great many of them start out, “I am disturbed,” or “We are disturbed,” and one can see that it is the same letter that comes to me.

Mr. AIKEN. I have received the same type letters. They start out, “I am disturbed.”

Mr. MANSFIELD. The Senator is correct.

Mr. AIKEN. All of the letters start out in that manner. Two-thirds of them start out in that manner. The body of the letter is almost exactly the same until we get to the signatures.

I am sure those letters are not accurately informed. Perhaps some of them are. Those people who write the original suggested letters know what they are doing. They are doing very well. They are trying to get revenge on the country from which they were, perhaps, expelled at some time or another. But when they come here they abide by the laws and the rules of the United States, and they should not be treated any differently than any other citizens. There is no attempt to put up hatred and violence, even against—

Mr. MANSFIELD. Anybody.

Mr. AIKEN. Countries which perhaps we do not like. But one thing is sure, they are not going to be settled by invasion, by wars, by nuclear warfare, or by anything of that type.

Mr. MANSFIELD. The Senator is correct. As always, the distinguished Senator from Vermont [Mr. AIKEN] gets to the point quickly.

Mr. President, I wish to emphasize that this convention is not necessary for the setting up of consulates. If the President wants to establish an American consulate in the Soviet Union he has that authority right now and has only to negotiate with the Soviet authorities. The same applies in reverse.

If the President entered into an agreement and allowed the Soviet Union to establish a consulate here they would have the full protection of this country. But if a consulate, in return, was established in Archangel, Lensingrad, or some other place outside the United States, I believe, all consulate staff would be under Soviet law and they would not have the protection which a consulate in this city would have here in this situation. An American, in the Soviet
Union would have only the same kind of protection, without this convention, that a Soviet citizen has there.

If there are going to be 10 to 15 more Soviet personnel here— as has been estimated—attached to a consulate, and they are too much for us to handle, what would we say if the United Nations Soviet delegation or the Embassy delegations in Washington added 10 or 15 more to their staffs? Would we not be up against the same proposition?

I think we ought to understand the facts involved here. I wish to repeat that this convention is not necessary if the President wants to arrange with the Soviet Union to establish consulates in this country. But unless this convention is ratified by two-thirds of the Senate, any Americans who are attached to an American consulate in the Soviet Union will not receive diplomatic protection, but will be subject to the laws to which the ordinary Soviet citizen is subject. That means he can be held for up to 9 months without any notification being given to anyone. Therefore, this convention, as I look at it from every angle, is overwhelmingly in favor of the United States, and I hope it will be supported in the Senate when the time comes for its consideration.