

104TH CONGRESS  
1ST SESSION

# S. 1322

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 1995

Referred to the Committee on the Judiciary

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## AN ACT

To provide for the relocation of the United States Embassy  
in Israel to Jerusalem, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jerusalem Embassy  
5 Act of 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) Each sovereign nation, under international  
4 law and custom, may designate its own capital.

5 (2) Since 1950, the city of Jerusalem has been  
6 the capital of the State of Israel.

7 (3) The city of Jerusalem is the seat of Israel's  
8 President, Parliament, and Supreme Court, and the  
9 site of numerous government ministries and social  
10 and cultural institutions.

11 (4) The city of Jerusalem is the spiritual center  
12 of Judaism, and is also considered a holy city by the  
13 members of other religious faiths.

14 (5) From 1948–1967, Jerusalem was a divided  
15 city and Israeli citizens of all faiths as well as Jew-  
16 ish citizens of all states were denied access to holy  
17 sites in the area controlled by Jordan.

18 (6) In 1967, the city of Jerusalem was reunited  
19 during the conflict known as the Six Day War.

20 (7) Since 1967, Jerusalem has been a united  
21 city administered by Israel, and persons of all reli-  
22 gious faiths have been guaranteed full access to holy  
23 sites within the city.

24 (8) This year marks the 28th consecutive year  
25 that Jerusalem has been administered as a unified

1 city in which the rights of all faiths have been re-  
2 spected and protected.

3 (9) In 1990, the Congress unanimously adopted  
4 Senate Concurrent Resolution 106, which declares  
5 that the Congress “strongly believes that Jerusalem  
6 must remain an undivided city in which the rights  
7 of every ethnic and religious group are protected”.

8 (10) In 1992, the United States Senate and  
9 House of Representatives unanimously adopted Sen-  
10 ate Concurrent Resolution 113 of the One Hundred  
11 Second Congress to commemorate the 25th anniver-  
12 sary of the reunification of Jerusalem, and  
13 reaffirming congressional sentiment that Jerusalem  
14 must remain an undivided city.

15 (11) The September 13, 1993, Declaration of  
16 Principles on Interim Self-Government Arrange-  
17 ments lays out a timetable for the resolution of  
18 “final status” issues, including Jerusalem.

19 (12) The Agreement on the Gaza Strip and the  
20 Jericho Area was signed May 4, 1994, beginning the  
21 five-year transitional period laid out in the Declara-  
22 tion of Principles.

23 (13) In March of 1995, 93 members of the  
24 United States Senate signed a letter to Secretary of  
25 State Warren Christopher encouraging “planning to

1       begin now” for relocation of the United States Em-  
2       bassy to the city of Jerusalem.

3           (14) In June of 1993, 257 members of the  
4       United States House of Representatives signed a let-  
5       ter to the Secretary of State Warren Christopher  
6       stating that the relocation of the United States Em-  
7       bassy to Jerusalem “should take place no later than  
8       . . . 1999”.

9           (15) The United States maintains its embassy  
10       in the functioning capital of every country except in  
11       the case of our democratic friend and strategic ally,  
12       the State of Israel.

13          (16) The United States conducts official meet-  
14       ings and other business in the city of Jerusalem in  
15       de facto recognition of its status as the capital of Is-  
16       rael.

17          (17) In 1996, the State of Israel will celebrate  
18       the 3,000th anniversary of the Jewish presence in  
19       Jerusalem since King David’s entry.

20   **SEC. 3. TIMETABLE.**

21       (a) STATEMENT OF THE POLICY OF THE UNITED  
22   STATES.—

23           (1) Jerusalem should remain an undivided city  
24       in which the rights of every ethnic and religious  
25       group are protected;

1           (2) Jerusalem should be recognized as the cap-  
2           ital of the State of Israel; and

3           (3) the United States Embassy in Israel should  
4           be established in Jerusalem no later than May 31,  
5           1999.

6           (b) OPENING DETERMINATION.—Not more than 50  
7           percent of the funds appropriated to the Department of  
8           State for fiscal year 1999 for “Acquisition and Mainte-  
9           nance of Buildings Abroad” may be obligated until the  
10          Secretary of State determines and reports to Congress  
11          that the United States Embassy in Jerusalem has offi-  
12          cially opened.

13       **SEC. 4. FISCAL YEARS 1996 AND 1997 FUNDING.**

14          (a) FISCAL YEAR 1996.—Of the funds authorized to  
15          be appropriated for “Acquisition and Maintenance of  
16          Buildings Abroad” for the Department of State in fiscal  
17          year 1996, not less than \$25,000,000 should be made  
18          available until expended only for construction and other  
19          costs associated with the establishment of the United  
20          States Embassy in Israel in the capital of Jerusalem.

21          (b) FISCAL YEAR 1997.—Of the funds authorized to  
22          be appropriated for “Acquisition and Maintenance of  
23          Buildings Abroad” for the Department of State in fiscal  
24          year 1997, not less than \$75,000,000 should be made  
25          available until expended only for construction and other

1 costs associated with the establishment of the United  
2 States Embassy in Israel in the capital of Jerusalem.

3 **SEC. 5. REPORT ON IMPLEMENTATION.**

4 Not later than 30 days after the date of enactment  
5 of this Act, the Secretary of State shall submit a report  
6 to the Speaker of the House of Representatives and the  
7 Committee on Foreign Relations of the Senate detailing  
8 the Department of State's plan to implement this Act.  
9 Such report shall include—

10 (1) estimated dates of completion for each  
11 phase of the establishment of the United States Em-  
12 bassy, including site identification, land acquisition,  
13 architectural, engineering and construction surveys,  
14 site preparation, and construction; and

15 (2) an estimate of the funding necessary to im-  
16 plement this Act, including all costs associated with  
17 establishing the United States Embassy in Israel in  
18 the capital of Jerusalem.

19 **SEC. 6. SEMIANNUAL REPORTS.**

20 At the time of the submission of the President's fiscal  
21 year 1997 budget request, and every six months there-  
22 after, the Secretary of State shall report to the Speaker  
23 of the House of Representatives and the Committee on  
24 Foreign Relations of the Senate on the progress made to-  
25 ward opening the United States Embassy in Jerusalem.

1 **SEC. 7. PRESIDENTIAL WAIVER.**

2 (a) WAIVER AUTHORITY.—(1) Beginning on October  
3 1, 1998, the President may suspend the limitation set  
4 forth in section 3(b) for a period of six months if he deter-  
5 mines and reports to Congress in advance that such sus-  
6 pension is necessary to protect the national security inter-  
7 ests of the United States.

8 (2) The President may suspend such limitation for  
9 an additional six month period at the end of any period  
10 during which the suspension is in effect under this sub-  
11 section if the President determines and reports to Con-  
12 gress in advance of the additional suspension that the ad-  
13 ditional suspension is necessary to protect the national se-  
14 curity interests of the United States.

15 (3) A report under paragraph (1) or (2) shall in-  
16 clude—

17 (A) a statement of the interests affected by the  
18 limitation that the President seeks to suspend; and

19 (B) a discussion of the manner in which the  
20 limitation affects the interests.

21 (b) APPLICABILITY OF WAIVER TO AVAILABILITY OF  
22 FUNDS.—If the President exercises the authority set forth  
23 in subsection (a) in a fiscal year, the limitation set forth  
24 in section 3(b) shall apply to funds appropriated in the  
25 following fiscal year for the purpose set forth in such sec-  
26 tion 3(b) except to the extent that the limitation is sus-

1    pended in such following fiscal year by reason of the exer-  
2    cise of the authority in subsection (a).

3    **SEC. 8. DEFINITION.**

4            As used in this Act, the term “United States Em-  
5    bassy” means the offices of the United States diplomatic  
6    mission and the residence of the United States chief of  
7    mission.

          Passed the Senate October 24, 1995.

Attest:

KELLY D. JOHNSTON.

*Secretary.*