

117TH CONGRESS
1ST SESSION

S. 3063

To prohibit the use of funds for a United States Embassy, Consulate General, Legation, Consular Office, or any other diplomatic facility in Jerusalem other than the United States Embassy to the State of Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2021

Mr. HAGERTY (for himself, Mr. RISCH, Mr. RUBIO, Mr. CRUZ, Mr. YOUNG, Mr. COTTON, Mrs. BLACKBURN, Mr. MARSHALL, Mr. TILLIS, Ms. LUMMIS, Mr. BARRASSO, Mr. SULLIVAN, Mr. CRAPO, Mr. SASSE, Mrs. HYDESMITH, Mr. BRAUN, Mr. TUBERVILLE, Mr. HAWLEY, Mr. SCOTT of Florida, Mr. WICKER, Ms. COLLINS, Mr. LEE, Mr. LANKFORD, Mr. INHOFE, Mr. CRAMER, Mr. BOOZMAN, Mr. PAUL, Mr. DAINES, Mrs. CAPITO, Mr. HOEVEN, Mr. JOHNSON, Ms. ERNST, Mr. TOOMEY, Mr. CASSIDY, Mrs. FISCHER, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To prohibit the use of funds for a United States Embassy, Consulate General, Legation, Consular Office, or any other diplomatic facility in Jerusalem other than the United States Embassy to the State of Israel, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Upholding the 1995
3 Jerusalem Embassy Law Act of 2021”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) There has been overwhelming bipartisan
7 support in Congress for recognizing Jerusalem as
8 the eternal and undivided capital of the State of
9 Israel and moving the United States Embassy from
10 Tel Aviv to Jerusalem.

11 (2) On May 22, 1990, Congress unanimously
12 adopted Senate Concurrent Resolution 106 (101st
13 Congress), which declares that Congress “strongly
14 believes that Jerusalem must remain an undivided
15 city in which the rights of every ethnic religious
16 group are protected”.

17 (3) In June 1992, Congress unanimously adopt-
18 ed Senate Concurrent Resolution 113 (102nd Con-
19 gress) to commemorate the 25th anniversary of the
20 reunification of Jerusalem, and reaffirming congres-
21 sional sentiment that Jerusalem must remain an un-
22 divided city.

23 (4) In June 1993, 257 members of the House
24 of Representatives signed a letter to the Secretary of
25 State Warren Christopher stating that the relocation

1 of the United States Embassy to Jerusalem “should
2 take place no later than . . . 1999”.

3 (5) In March 1995, 93 United States Senators
4 signed a letter to Secretary of State Warren Chris-
5 topher encouraging “planning to begin now” for re-
6 location of the United States Embassy to the city of
7 Jerusalem.

8 (6) In November 1995, the Jerusalem Embassy
9 Act of 1995 (Public Law 104–45) became law after
10 receiving a 93–5 vote in the Senate and a 374–37
11 vote in the House of Representatives. The law ex-
12 presses support for recognizing Jerusalem as the
13 capital of Israel and facilitating the relocation of the
14 United States Embassy to Jerusalem.

15 (7) The Jerusalem Embassy Act of 1995 states,
16 as the policy of the United States—

17 (A) “Jerusalem should remain an undi-
18 vided city in which the rights of every ethnic
19 and religious group are protected”;

20 (B) “Jerusalem should be recognized as
21 the capital of the State of Israel”; and

22 (C) “the United States Embassy in Israel
23 should be established in Jerusalem no later
24 than May 31, 1999”.

1 (8) On May 20, 1997, the Senate unanimously
2 passed Senate Concurrent Resolution 21 (105th
3 Congress) to commemorate the 30th anniversary of
4 the reunification of Jerusalem during the Six Day
5 War, which—

6 (A) “congratulates the residents of Jeru-
7 salem and the people of Israel on the thirtieth
8 anniversary of the reunification of that historic
9 city”;

10 (B) “strongly believes that Jerusalem must
11 remain an undivided city in which the rights of
12 every ethnic and religious group are protected
13 as they have been by Israel during the past 30
14 years”;

15 (C) “calls upon the President and Sec-
16 retary of State to publicly affirm as a matter
17 of United States policy that Jerusalem must re-
18 main the undivided capital of the state of
19 Israel”; and

20 (D) “urges United States officials to re-
21 frain from any actions that contradict United
22 States law on this subject”.

23 (9) On June 10, 1997, the House of Represent-
24 atives adopted House Concurrent Resolution 60
25 (105th Congress) by a vote of 406–17 to commemo-

1 rate the 30th anniversary of the reunification of Je-
2 rusalem during the Six Day War, which—

3 (A) “congratulates the residents of Jeru-
4 salem and the people of Israel on the 30th an-
5 niversary of the reunification of that historic
6 city”;

7 (B) “strongly believes that Jerusalem must
8 remain an undivided city in which the rights of
9 every ethnic and religious group are protected
10 as they have been by Israel during the past 30
11 years”;

12 (C) “calls upon the President and the Sec-
13 retary of State to affirm publicly as a matter
14 of United States policy that Jerusalem must re-
15 main the undivided capital of the State of
16 Israel”; and

17 (D) “urges United States officials to re-
18 frain from any actions that contradict this pol-
19 icy”.

20 (10) In September 2002, Congress passed the
21 Foreign Relations Authorization Act, Fiscal Year
22 2003 (Public Law 107–228), which states, in section
23 214, the following:

24 (A) “The Congress maintains its commit-
25 ment to relocating the United States Embassy

1 in Israel to Jerusalem and urges the President,
2 pursuant to the Jerusalem Embassy Act of
3 1995 (Public Law 104–45; 109 Stat. 398), to
4 immediately begin the process of relocating the
5 United States Embassy in Israel to Jeru-
6 salem.”.

7 (B) “None of the funds authorized to be
8 appropriated by this Act may be expended for
9 the operation of a United States consulate or
10 diplomatic facility in Jerusalem unless such
11 consulate or diplomatic facility is under the su-
12 pervision of the United States Ambassador to
13 Israel.”.

14 (C) “None of the funds authorized to be
15 appropriated by this Act may be available for
16 the publication of any official government docu-
17 ment which lists countries and their capital cit-
18 ies unless the publication identifies Jerusalem
19 as the capital of Israel.”.

20 (D) “For purposes of the registration of
21 birth, certification of nationality, or issuance of
22 a passport of a United States citizen born in
23 the city of Jerusalem, the Secretary shall, upon
24 the request of the citizen or the citizen’s legal
25 guardian, record the place of birth as Israel.”.

1 (11) On June 5, 2007, the House of Represent-
2 atives passed, by voice vote, House Concurrent Reso-
3 lution 152 (110th Congress), to commemorate the
4 40th anniversary of the reunification of Jerusalem
5 during the Six Day War. The resolution “reiterates
6 [Congress’] commitment to the provisions of the Je-
7 rusalem Embassy Act of 1995 and calls upon the
8 President and all United States officials to abide by
9 its provisions”.

10 (12) On June 5, 2017, the Senate unanimously
11 passed Senate Resolution 176 (115th Congress) to
12 commemorate the 50th anniversary of the reunifica-
13 tion of Jerusalem during the Six Day War. The res-
14 olution “reaffirms the Jerusalem Embassy Act of
15 1995 (Public Law 104–45) as United States law,
16 and calls upon the President and all United States
17 officials to abide by its provisions.”.

18 (13) On December 7, 2017, the United States
19 took the first step to implement the Jerusalem Em-
20 bassy Act of 1995 by formally recognizing Jerusalem
21 as the “eternal capital of Israel”.

22 (14) On May 14, 2018, the United States fur-
23 ther implemented the Jerusalem Embassy Act of
24 1995 by officially opening the United States Em-
25 bassy in Israel’s capital of Jerusalem.

1 (15) On March 4, 2019, the United States took
2 the final step to implement and become fully compli-
3 ant with the Jerusalem Embassy Act of 1995 by—

4 (A) moving the official United States Am-
5 bassador’s residence to Jerusalem; and

6 (B) merging the Consulate General of the
7 United States in Jerusalem with the United
8 States Embassy in Jerusalem.

9 (16) On February 2, 2021, the Senate adopted
10 Senate Amendment 786 to the budget resolution
11 (section 3012 of Senate Concurrent Resolution 5),
12 by a vote of 97–3, to maintain the United States
13 Embassy in Jerusalem permanently, and effectively
14 preventing it from being downgraded or moved out
15 of Israel’s capital of Jerusalem.

16 **SEC. 3. STATEMENT OF POLICY.**

17 It is the policy of the United States—

18 (1) to uphold, preserve, and reaffirm the clear
19 purpose and intent of the Statement of the Policy of
20 the United States in section 3(a) of the Jerusalem
21 Embassy Act of 1995 (Public Law 104–45; 109
22 Stat. 399);

23 (2) to uphold, preserve, and reaffirm United
24 States recognition of Jerusalem as the eternal cap-
25 ital of the State of Israel and an undivided city in

1 which the rights of every ethnic and religious group
2 are protected;

3 (3) to maintain the United States Embassy to
4 the State of Israel in Jerusalem, the capital of the
5 State of Israel; and

6 (4) not to reopen, open, or otherwise maintain
7 a United States Embassy, Consulate General, Lega-
8 tion, Consular Office, or any other diplomatic facility
9 in Jerusalem other than the United States Embassy
10 to the State of Israel.

11 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR CERTAIN DIP-**
12 **LOMATIC FACILITIES.**

13 Section 1 of the Foreign Service Buildings Act, 1926
14 (22 U.S.C. 292) is amended by adding at the end the fol-
15 lowing:

16 “(d) PROHIBITION ON USE OF FUNDS.—Notwith-
17 standing any other provision of law, none of the funds au-
18 thorized to be appropriated on or after the date of the
19 enactment of this subsection may be used for a United
20 States Embassy, Consulate General, Legation, Consular
21 Office, or any other diplomatic facility in Jerusalem other
22 than the United States Embassy to the State of Israel.”.

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