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

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. Hyde-Smith, 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, and Mr. Cassidy) introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

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

(3) In June 1992, Congress unanimously adopted Senate Concurrent Resolution 113 (102nd Congress) to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city.

(4) In June 1993, 257 members of the House of Representatives signed a letter to the Secretary of State Warren Christopher stating that the relocation
of the United States Embassy to Jerusalem “should take place no later than . . . 1999”.

(5) In March 1995, 93 United States Senators signed a letter to Secretary of State Warren Christopher encouraging “planning to begin now” for relocation of the United States Embassy to the city of Jerusalem.

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

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

(A) “Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected”; 

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

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

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

(A) “congratulates the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city”;

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

(C) “calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the state of Israel”; and

(D) “urges United States officials to refrain from any actions that contradict United States law on this subject”.

(9) On June 10, 1997, the House of Represent-atives adopted House Concurrent Resolution 60 (105th Congress) by a vote of 406 – 17 to com-
memorate the 30th anniversary of the reunification of Jerusalem during the Six Day War, which—

(A) “congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city”;

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

(C) “calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel”; and

(D) “urges United States officials to refrain from any actions that contradict this policy”.

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

(A) “The Congress maintains its commitment to relocating the United States Embassy
in Israel to Jerusalem and urges the President,
pursuant to the Jerusalem Embassy Act of
1995 (Public Law 104–45; 109 Stat. 398), to
immediately begin the process of relocating the
United States Embassy in Israel to Jerusalem.”

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

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

(D) “For purposes of the registration of
birth, certification of nationality, or issuance of
a passport of a United States citizen born in
the city of Jerusalem, the Secretary shall, upon
the request of the citizen or the citizen’s legal
guardian, record the place of birth as Israel.”
(11) On June 5, 2007, the House of Representatives passed, by voice vote, House Concurrent Resolution 152 (110th Congress), to commemorate the 40th anniversary of the reunification of Jerusalem during the Six Day War. The resolution “reiterates [Congress’] commitment to the provisions of the Jerusalem Embassy Act of 1995 and calls upon the President and all United States officials to abide by its provisions”.

(12) On June 5, 2017, the Senate unanimously passed Senate Resolution 176 (115th Congress) to commemorate the 50th anniversary of the reunification of Jerusalem during the Six Day War. The resolution “reaffirms the Jerusalem Embassy Act of 1995 (Public Law 104–45) as United States law, and calls upon the President and all United States officials to abide by its provisions.”

(13) On December 7, 2017, the United States took the first step to implement the Jerusalem Embassy Act of 1995 by formally recognizing Jerusalem as the “eternal capital of Israel”.

(14) On May 14, 2018, the United States further implemented the Jerusalem Embassy Act of 1995 by officially opening the United States Embassy in Israel’s capital of Jerusalem.
(15) On March 4, 2019, the United States took the final step to implement and become fully compliant with the Jerusalem Embassy Act of 1995 by—

(A) moving the official United States Ambassador’s residence to Jerusalem; and

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

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

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to uphold, preserve, and reaffirm United States recognition of Jerusalem as the eternal capital of the State of Israel and an undivided city in
which the rights of every ethnic and religious group are protected;

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

(4) not to reopen, open, or otherwise maintain 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.

SEC. 4. PROHIBITION ON USE OF FUNDS FOR CERTAIN DIPLOMATIC FACILITIES.

Section 1 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following:

“(d) Prohibition on Use of Funds.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated on or after the date of the enactment of this subsection may be used 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.”.