

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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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 \_\_\_\_\_

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**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 –  
11 37 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 com-

1 memorate the 30th anniversary of the reunification  
2 of Jerusalem 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 Jerusalem.”

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

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

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