I have supported this action since I came to the Senate. I first cosponsored a resolution on this issue introduced on October 1, 1983. That resolution (S. 2031) was cosponsored by 50 Senators. Now, some 15 years later, it is my hope that with the momentum of the peace process, the message of the cosponsors to this bill will resonate sufficiently to move the administration to action on this.

On March 26, 1990, Senate Concurrent Resolution 15522 was introduced and was subsequently passed calling for the move of the Embassy to Jerusalem. Again, the Congress acted on this subject through its recent correspondence on February 24, 1995 in its letter to Secretary of State Warren Christopher signed by 93 Senators.

During the August recess, I traveled to Israel as well as other countries. On September 28, I stated here on the Senate floor my impressions of the challenges facing American foreign policy in the Middle East. It was during this travel that I was able to speak directly with the President of Israel, Ezer Weitzman, Prime Minister Yitzhak Rabin, the leader of the opposition party Mr. Benjamin Netanyahu, as well as Chair of the Palestine Liberation Organization, Mr. Arafat and significant Palestinian personalities now engaged in attempting to fashion a means to live side by side, Israelis with Palestinians. Many times during these conversations, I spoke of Jerusalem and the future. All of us were aware of the importance of Jerusalem to the future of the region.

Tomorrow, Members of Congress and their guests will convene in the Capitol Rotunda to celebrate the Inaugural ceremony for Jerusalem 3,000, a 15 month long celebration commemorating 3,000 years since the establishment of Jerusalem as the capital city of Israel by King David. I hope to be in attendance at this ceremony.

The action we take today is consonant with the observance of the ceremony as well as with the policy we have around the world in every country we recognize. The United States today locates its embassies, around the globe, in the city designated by the respective country as its capital. It is long overdue that this is our action in Israel. It is most appropriate that, as we move toward the period when both sides in the conflict are scheduled to move into Jerusalem, it is time for a permanent resolution, that the commitment to a date certain be made for the opening of our embassy.

We have been, and continue to be, the catalyst in bringing the peace process to fruition; it is my hope that our action in the Senate today will be accepted and acted upon by President Clinton and that no further roadblocks will be put up which would impede the opening of the Embassy in Jerusalem on May 31, 1999, as provided for in this legislation.

I think it is very, very important that Jerusalem remain undivided, and I think the expression by the U.S. Congress putting into law the timetable for moving our Embassy from Tel Aviv to Jerusalem is entirely appropriate, and accordingly I support that legislation. I yield the floor.

PROTECT THE PEACE PROCESS

Mr. BYRD. Madam President, this bill, which would mandate a move of the U.S. Embassy from Tel Aviv to Jerusalem by May 31, 1999, may be popular with a very vocal segment of the United States population, but it represents precarious foreign policy for the United States. The United States has played a central role in carrying forward the very difficult and sensitive negotiations that will, hopefully, bring a lasting peace to Israel and the Middle East. It ill behooves us now to undermine what is arguably the single most sensitive issue of the negotiations, that of the status of the holy city of Jerusalem, by precipitously acting to side with one party to the negotiations. If the United States is to be credible as a facilitator of the peace process, it must act with fairness and impartiality.

Proponents of this legislation argue that negotiations on the final status of Jerusalem are to be completed by May 1999, so that this bill is compatible with the timetable of the peace process. But this presupposes the outcome of the negotiations, which do not even begin until next May. This may be exactly what the proponents desire. If it is "imperative to establish now the U.S. conviction that realistic negotiations must be premised on the principle that Jerusalem is the capital of Israel and must remain united," as an October 20, 1995 mailing from the American Israel Public Affairs Committee (AIPAC) asserts, then what is left to negotiate? Advancing the outcome of the negotiations undermines the incentive for the Palestinians, who also have political and religious claims to the city, to participate in the talks.

United States support for Israel is well known. Israel and the United States have close military and diplomatic ties. The United States provides more economic aid and military assistance to Israel than to any other single state. Moving the United States Embassy from its current location in Tel Aviv or Jerusalem at this time is not necessary to help shore up Israeli support for the peace process. It can wait and let the ground breaking in 1999 serve as a visible signal of the success of the peace negotiations, should the outcome of the negotiations be a two-state solution. Not moving the Embassy at this time is, in my view, probably more important to help shore up the willingness of the Palestinians to continue along this rocky path to peace. Let the ground breaking for a new U.S. Embassy in Jerusalem in 1999 provide U.S. support for the final outcome of the negotiations, if that is the result, rather than a continuing reminder to them that the negotiations were rigged from the outset.

Jerusalem is an ancient city, considered holy by three of the world's religions, Christianity, Judaism, and Islam. There is no more volatile mixture in the world of politics, and Jerusalem has suffered the devastating effects over the centuries as wars, occupations, and divisions have forever marked her walls and buildings. Peace is within our grasp, if we can bring weaving sensitivity, a Jerusalem that cannot stand as a beacon of tolerance and understanding among three religions and all of the peoples of the Middle East. Therefore, I will vote against this bill, which does so much to undermine the peace process.

Mr. ROBB. Madam President, I recognize the city of Jerusalem as the united capital of Israel. It is long overdue, from a national perspective, as envisioned by the Jerusalem Embassy Relocation Act, will not create a de-tour on the road to achieving a comprehensive Arab-Israeli peace. Jerusalem stands today as an international city, with the rights of all ethnic religious groups are protected and freedom of worship is guaranteed. Diverse religious faiths coexist peacefully. This week we are seeing a hopeful spirit of internationalism expressed by many world leaders celebrating the founding of the United Nations 50 years ago. Like the community of nations joining together in support of the United Nations many religious faiths and sects engender a collective spirit of internationalist and denominational harmony in Jerusalem.

Madam President, Prime Minister Rabin has told the Israeli people that "I assure you that Jerusalem will remain united under Israel's sovereignty, and our capital forever." That expression leads me to the conclusion that the final status talks on the city should not focus on issues of overall sovereignty, rather, making permanent each denomination's jurisdiction over its respective holy sites and collective issues of autonomy should be the subject of the negotiations next year.

Even President Clinton has stated that "I recognize Jerusalem as an undivided city, the capital of Israel—what I mean by this is the outcome of the negotiations, Jerusalem is still the capital of Israel and must remain an undivided city, accessible to all." That statement represents a consensus that our Embassy belongs in the functional capital of Israel.

Among the 184 countries we maintain diplomatic relations with, Israel is the single exception to the rule of locating
the United States chancery in the designated capital of each foreign nation. We have a responsibility to respect the decisions of where all countries locate their seat of government, and Israel should not be viewed in a different light.

Thus far in the peace talks, Israel has sacrificed the tangible—land—for the intangible—the security of its people. As we continue down the road of peace, Israel will cede valuable territory, natural resources, and political authority to the Palestinians. Israel will enjoy broader political and economic freedoms. There are no long-term guarantees for Israel. A single Hamas-sponsored terrorist attack can disrupt any sense of peace achieved at the negotiating table.

Madam President, that is why I endorse this move to demonstrate our long-term commitment to having our Embassy in Jerusalem. This will symbolize the united and undivided character of this city. Such a move will stand in the way of achieving a comprehensive peace. It will simply lay to rest doubts about the U.S. position on the status of our Embassy.

I also supported the modified substitute offered by the majority leader last night that includes compromise language providing the President a national security interests waiver. I think it is appropriate that the President should be given the authority to waive this legislation if it would have dire consequences on the peace process.

Madam President, I joined as a co-sponsor of this legislation some time ago, and believe it sends the right message at the right time to Israel. It is our decision alone to move the Embassy. With upcoming ceremonies in the rotunda of the Capitol celebrating the 3,000th anniversary of Jerusalem as the capital of Israel, I believe we will be serving the interests of peace in the Middle East by passing this legislation. So I urge my colleagues to support this effort to relocate our Embassy to the capital of the Jewish homeland.

Mr. COHEN. Madam President, this week in the Capitol rotunda the United States Congress will host the United States Inaugural Ceremony of Jerusalem, 3000, beginning the celebration of the 3,000th anniversary of the establishment of Jerusalem as the capital of Israel.

It is a particularly appropriate time for the Senate to act on this important legislation that would reaffirm our commitment to Jerusalem as the undivided capital of Israel by directing the relocation of the United States Embassy to Jerusalem by 1999.

It has been over a decade since a majority of the Members of Congress, and I was proud to be among this group, called for the movement of our Embassy to where it belongs—in the capital of Israel. Since then, as Senator M OYNIHAN and in detail, the Senate and the other body have repeatedly adopted by overwhelming and frequently unanimous votes legislation calling on the United States to affirm Jerusalem as Israel’s undivided capital.

Most recently, nearly every Member of the Senate signed a letter to the President urging that the relocation take place no later than May 1999. This letter and the President’s clear statement of policy that our Embassy should be relocated there no later than May 31, 1999, and by authorizing funding beginning this year for construction of a United States Embassy.

To help ensure the executive branch implements this policy faithfully, the bill requires semiannual reports from the Secretary of State, beginning in January, on the progress toward opening our Embassy in Jerusalem. It also would give the State Department a strong financial incentive by limiting the availability of its construction funding after 1999 until the Embassy opens in Israel’s capital. A legislative provision would limit the availability of this construction funding.

President urging that the relocation of our Embassy would endanger the peace process, noting that:

United States policy should be clear and unequivocal. The search for peace can only be hindered by any realistic hopes about the future status of Jerusalem among the Palestinians and understandable fears among the Israeli population that their capital city may once again be divided by cinder block and barbed wire.

We also endorsed in that letter Prime Minister Rabin’s declaration that “United Jerusalem will not be open to negotiation. It has been and will forever be the capital of the Jewish people, under Israeli sovereignty, a focus of the dreams and longings of every Jew.”

The bill we have before us, of which I am proud to be an original cosponsor, brings this legislative process to fruition by establishing United States policy that Jerusalem should be recognized as the capital of Israel and that our Embassy should be relocated there no later than May 31, 1999, and by authorizing funding beginning this year for construction of a United States Embassy.

To help ensure the executive branch implements this policy faithfully, the bill requires semiannual reports from the Secretary of State, beginning in January, on the progress toward opening our Embassy in Jerusalem. It also would give the State Department a strong financial incentive by limiting the availability of its construction funding after 1999 until the Embassy opens in Israel’s capital. A legislative provision would limit the availability of this construction funding until the middle of the year 2000, given the historical spend-out rates for the State Department’s construction budget. But it emphasizes the importance Congress places on this matter.

Even with this inherent flexibility, however, the administration has shown resistance to this legislation. In response, Senator Dole has now added a broad waiver authority that would allow the President to suspend this limitation on construction if he believes it is necessary to protect the national security interests of the United States.

I should also note that the bill carefully states that the rights of every religious and ethnic group should be protected in the undivided capital of Jerusalem. Three major faiths revere Jerusalem as a holy city. The best way to protect the religious interests of members of all these faiths is to ensure that Jerusalem is never again divided, a capital which would only threaten to reignite religious conflict.

Madam President, Senator Dole and Senator M OYNIHAN are to be commended for their persistent leadership in ensuring that this legislation has finally come for a vote on the floor of the Senate. I hope that, once the House of Representatives gives its approval, this legislation will be signed into law by the President, who during the 1992 campaign clearly and unequivocally recognized Jerusalem as an undivided city, the eternal capital of Israel.”

Given the very strong support this bill rightly enjoys in both Houses of Congress, I think the President’s advisers would be wise to choose to suggest another course of action.

And once this bill is enacted into law, through whichever mechanism, I trust that the President will move expeditiously to implement it and attain its objective before the May 1999 deadline.

Madam President, many of us in the Senate have had the opportunity to help cultivate America’s special relationship with the State of Israel. As a strategic ally and an island of stability and democracy in an important but troubled region, Israel steadfastly supported American interests during the cold war. During the gulf war, when Saddam Hussein sought to gain control of Middle Eastern oil resources, Israel stood firmly with America, enduring savage attacks on its civilian population that were designed to split Israeli policy from United States policy.

Having protected U.S. interests in a hostile region for decades, the American-Israeli strategic alliance today is the foundation for the Middle East peace process. Without steadfast United States support for Israel, those among Israel’s neighbors who have accepted the necessity for a negotiated peace settlement would not have done so. And without our continued steadfast support, the peace process will not be successful. Nowhere is this need greater than on the question of the status of Jerusalem.

Jerusalem is and will remain the undivided capital of the State of Israel, and we must not miss the opportunity to underline that fact—particularly today on the eve of the inauguration of the celebration of the 3,000th anniversary of Jerusalem’s establishment as the capital of Israel. This legislation will help to ensure that the fourth millennium of this holy city will begin with an era of peace.

I urge my colleagues to support this legislation, so that we can pass it with a large majority and ensure its swift enactment into law.

Mr. LOTT. Madam President, I rise in support of S. 1322, a bill to relocate the United States Embassy in Israel to Jerusalem.

In the over 180 countries where the United States has a diplomatic presence, Israel is the only country where the diplomatic presence is outside of the capital city. It is time we pledge ourselves to moving our Embassy to Jerusalem, which is the legitimate capital of Israel. It is in our interest to
Jerusalem is and always will be the capital of Israel. For thousands of years the Jews people prayed, “next year in Jerusalem.” This prayer helped to sustain Jews even through the darkest days of the diaspora. When the Declaration of Independence, the holy sites of Jerusalem were closed to Christians and Jews. The Jewish quarter of the old city was destroyed. But since Jerusalem was unified in 1967, Jerusalem is open to all religions for the first time in its history. I have lived with Jews who were there for the first time. When we visited the Western Wall, I saw what it meant for them to touch the stones that their ancestors could only dream of. I saw that Jerusalem is not just a city or a capital. It is the religious and historic homeland of the Jewish people. Why is Israel the only nation with which we have diplomatic relations that is not allowed to choose its own capital? The sight for the U.S. Embassy long ago. Jerusalem has always been part of Israel since its independence. We should have moved our Embassy long ago.

So over the years, I have supported every effort of Congress to call upon the Israeli Government to move our Embassy to Jerusalem. And each successive administration has ignored us. But now, as Israel takes courageous steps toward peace, we are raising this issue again. And what should have been a clear statement on Jerusalem has become a political debate. When this legislation was first introduced, I had some concerns about the requirement that construction on the new Embassy must begin in 1996. I did not cosponsor it because I believe that we would be imposing our own deadlines on the peace process. This new bill removes the arbitrary dates that fit United States elections rather than the will of the Israeli people. This issue is too important to be just a political stunt.

Madam President, this year we celebrate the 30th anniversary of Jerusalem. Let us mark this great event by reaffirming that Jerusalem is and always will be the capital of the State of Israel.

Mr. Hatch. Madam President, I stand here today to strongly support S. 1322, the Jerusalem Embassy Relocation Act of 1995. I wish to commend the majority leader for his efforts in introducing this bill. I also wish to commend the efforts of Senator Kyl and a number of my Democratic colleagues for ensuring that we possess a bill that will have, I hope, unanimous support here in the Senate.

The issue of Jerusalem has been debated on this floor for over a decade. I have always believed that Jerusalem is the capital of Israel, and I believe that now is the time for the United States Congress to recognize this reality. That is why I signed the letter to Secretary Christopher on March 20, 1995—along with 92 of our colleagues—that declared that “we believe that the United States Embassy belongs in Jerusalem.”

I understand that this legislation has been modified to address concerns that we may be restricting the President’s foreign policymaking powers. With these modifications, I urge the administration to join us in correcting a diplomatic anomaly that we have visited on our closest ally in the Middle East for too long: Of the diplomatic relations we hold with over 180 nations around the world, Israel is the only country in which our Embassy is not in the capital. I have been and remain a strong supporter of the Middle East peace process. But through the years of my support, I have always maintained that the policy process must be driven by the participants, and that the United States’ role is to support, not dictate, the terms of the negotiations. Israel has made some courageous concessions over these negotiations. It has waged a firewall that has been, on some days, as bloody as its previous wars.

Next year will begin the “Final Status” negotiations. There has been much positioning by certain parties over the future of Jerusalem. But Israel has been clear: Jerusalem shall remain the united capital of Israel. This is the conviction of the Israeli Government, the only democratic state and our most valuable ally in the region.

This should be our conviction now. Our ambivalence beyond this point will only muddle, and I believe frustrate, the final status negotiations. The parties must set the terms, and we must not confound expectations by perpetuating the anomaly of the U.S. Embassy in Tel Aviv. If we wish to continue supporting the peace process, and I believe we do, we must make clear that it is the policy of the U.S. Government to have its Embassy in Jerusalem by the conclusion of the peace negotiations at the end of this century.

Jerusalem just celebrated its 3000th anniversary. Let us now declare that the U.S. Embassy will reside in that holy city by the end of this troubled 20th century. Let us now pass resoundingly S. 1322.

Ms. Moseley-Braun. Madam President, I strongly support S. 1322, the Jerusalem Embassy Relocation Implementation Act, legislation which would locate the United States Embassy in Jerusalem in Israel’s capital city.

It is customary, indeed, universal, that an embassy is located in the capital city of every sovereign nation in which a diplomatic presence is maintained; that is why I cosponsored S. 1322, along with 62 of my colleagues. Madam President, Jerusalem is Israel’s chosen seat of government. It is where the President, Prime Minister, Parliament, Supreme Court, central...
bank, and all other authoritative institutions of state are headquartered. It has been the capital of Israel since 1950. Moving the American Embassy is nothing more than an acknowledgment of what is in fact the reality—Jerusalem is the capital of Israel.

Presently, the United States maintains diplomatic relations with 184 countries around the world. Of these, Israel is the only nation in which our Embassy is located in a city not regarded by the host nation as its capital.

Imagine, Madam President, the huge outcry, within and outside of government, if any foreign nation refused to locate its embassy in our capital or insisted that it would maintain relations with us, but not in the location we designated as our capital city. That kind of refusal would create serious and unnecessary tensions between the United States and that country. After all, the question of where to locate the capital of the country is for the United States to decide—and no one else.

That same logic applies in this case to the capital of Israel. The question of where to locate its capital is for Israel to decide and no other nation or power to force. It has been part of Israel for so many years that Jerusalem is the legitimate capital of the State of Israel, and that United States policy should clearly reflect that. Accordingly, the United States Embassy should be housed in Jerusalem, just like it is in every other country, and not in the country’s economic center.

Of course, Jerusalem is an issue of practical importance in world politics. The same city is holy for Jews, Christians, and Moslems, and both Israelis and Palestinians claim Jerusalem as their capital. The Tomb of the Holy Sepulchre is sacred for Christians to honor Christ’s death. Moslems claim the Dome of the Rock and the al-Aqsa mosque as the site of Muhammad’s ascension of Christianity, and to Moslems as the site from which Muhammad ascended into heaven. It is all of these things—and it is also the capital of Israel.

Each and every U.S. Embassy abroad exists to represent our Government to the citizens of the country in which it is located. The Government of Israel is in Jerusalem. Jerusalem, therefore, is the only place our Embassy should be.

The logic of locating our Embassy in Jerusalem’s capital city is overwhelming and compelling, which is why this legislation enjoys such widespread, bipartisan support in both the Senate and the House of Representatives. I urge the prompt passage of this legislation, and I look forward to the day in the near future when the United States Embassy opens in Israel’s capital—Jerusalem.

Mr. FEINGOLD. Madam President, I am proud to be a cosponsor of the Jerusalem Embassy Relocation Implementation Act of 2015. In my opinion and that of many colleagues, I believe that an undivided Jerusalem is the legitimate capital of the State of Israel, and that United States policy should clearly reflect that. Accordingly, the United States Embassy should be housed in Jerusalem, just like it is in every other country, and not in the country’s economic center.

Of course, Jerusalem is an issue of practical importance in world politics. The same city is holy for Jews, Christians, and Moslems, and both Israelis and Palestinians claim Jerusalem as their capital. The Tomb of the Holy Sepulchre is sacred for Christians to honor Christ’s death. Moslems claim the Dome of the Rock and the al-Aqsa mosque as the site of Abraham’s sacrifice. Jews pray at the Kotel, the Western Wall, the last remaining wall of the ancient synagogues, as well as the scores of other holy sites nestled in so many other places.

Named as the City of Peace, Jerusalem has unfortunately been split by war. Throughout history, Arabs and Jews and Christians have locked each other out, and have often accused each other of desecrating religious monuments, and barring access to each other’s holy places.

Incidents have occurred where Moslems have felt offended by desecrations of their holy monuments and religious sites. My country has suffered many of them, by the defacing of meaningful and historic synagogues in the Old City’s Jewish Quarter in 1947-67, when the city was not controlled by Israel. I remember with pain the laundry that hung on the Wailing Wall, a place of immensely spiritual and sacred value for Jews. I cannot forget the pictures of Jewish tombstones thrown around the Mount of Olives cemetery just at the foot of the walls of the Old City.

The Holy Sepulchre, the holiest place in the Christian community has also suffered. Our Government has failed to split Jerusalem under the political solution of corpus separatum, to my mind, the spirituality and emotion of the city make division impossible. Given the 3,000 years of the history of Jerusalem, it will always be the heart of the Jewish people and the capital of the Jewish state. Indeed, it is the capital of the sovereign nation of Israel—a sovereignty the United States has fiercely supported for 45 years. If our support for Jewish sovereignty over the land of Israel is to mean anything, then the United States should recognize Israel’s capital appropriately.

Waiting years—if not decades—for the right moment to move the United States Embassy is not an appropriate recognition of Israel’s sovereignty. As much as I hate to admit it, I do not think there will ever be a right time for a move with such emotional associations. And therefore, now is as right as ever. In exchange, Israel must guarantee universal access to other religions who wish to honor their holy places as well. I believe that, save some very unfortunate incidents, Israel for a century and a half has had the right of access to Moslem and Christian holy places, and has a responsibility to continue to do so.

I am very sensitive to concerns that such a move by the United States at this time would undermine the peace process. I understand the risk that perhaps the United States would compromise its important position as an honest broker in the peace process. To that, I respond that America’s position is not negotiable since Israel’s claim to Jerusalem is nonnegotiable. Already, there should be no doubt of what the United States position is; hiding our Embassy in Tel Aviv does not change that.

I also am troubled by suggestions that such a move would predetermine the outcome of the final status talks between Israel and the Palestine Liberation Organization, and tie the chairman’s hands in other critical negotiations. I am not persuaded, however, that the move of the U.S. Embassy from Tel Aviv to Jerusalem would have such a devastating effect. It is important to keep this proposal in perspective, and not underestimate the power of the commitment of the parties to the peace process—wherever the U.S. Embassy is housed. Further, I believe that Prime Minister Rabin’s own assertions that Israel will not cede Jerusalem are just as important as those of my party, and that United States actions on the issue.

The stationing of the United States Embassy in Jerusalem has been a widely supported proposal. The Democratic Party has included it as a plank in our platform since 1967. Sweeping majorities in Congress have urged it for years. It has not been a partisan issue; it has not been a personal crusade for just a few Members of Congress. Indeed, it is when we have broad-based bipartisan support such as this that coherent and successful policies emerge. Israel has always been a beneficiary of such unity. For that reason, I appreciate Senator Dole working...
with the administration to craft a bill that can have near-unanimous support, and to avoid the nonsense of division on an issue like Jerusalem.

This year Jerusalem is celebrating its 3,000th anniversary. For it to remain the capital of Israel is a shame. We should honor it, and the State of Israel, with the Jerusalem Embassy Relocation Implementation Act.

Mr. CHAFFEY. Madam President, I fully recognize that Israel is one of the most strategic and important allies of the United States—the only working democracy in the Middle East. We should never waver in our support for a nation that has been militarily threatened by its neighbors since its founding over 40 years ago.

But I also strongly support the peace process that Israeli Prime Minister Rabin and the Palestine Liberation Organization began over 2 years ago. A glimmer of hope has emerged in recent years amidst the longstanding hostilities that have fueled conflict in this volatile region of the world may soon come to an end. It is imperative that the United States stand firmly behind the efforts of Israel and the Palestinians to reach a peaceful solution to the many disagreements that have divided these peoples for so long.

In announcing its accord on Jericho and the Gaza Strip 2 years ago, Israel and the PLO also agreed to negotiate the permanent status of Jerusalem beginning next year. The United States has stood firmly—and indeed has been a leader—behind negotiations on these and other unresolved issues that are aimed at achieving long-term peace.

I certainly recognize that Israel declared Jerusalem to be its capital in 1950. However, since 1967 the United States has called for a negotiated resolution of Jerusalem’s status, a position reasserted by the September 1993 agreement between the Israel and the PLO. I am convinced that the question of when we construct our Embassy in Israel should be left to the President and the State Department. Having Congress dictate to the State Department a construction schedule for our Embassy would surely disrupt and possibly derail the ongoing Middle East peace process, a most sensitive diplomatic effort.

Although the administration is given a national security waiver in the compromise legislation, and there is still no guarantee that the Embassy move could be waived if the peace process is halted. That is why the State Department remains opposed to this bill. Because of my support for the Middle East peace process and executive branch authority on foreign policy, I will vote against S. 1322.

Mr. KOHL. Madam President, I rise today as a cosponsor of this resolution to move the U.S. Embassy from Tel Aviv to Jerusalem. I strongly believe that we have always been the undivided capital of the State of Israel. The United States Embassy should have been moved from Tel Aviv to Jerusalem long ago, and I have supported many past efforts to that end. Earlier this year, I joined 91 other Senators in a letter to Secretary of State Christopher urging that our Embassy be moved as soon as possible.

Beyond the political concerns of maintaining an Embassy outside a state’s declared capital city, the U.S. Government is ignoring the centrality of Jerusalem to the Jewish people by keeping its Embassy in Tel Aviv. Jerusalem is the capital of the people of Israel. Israelis cherish Jerusalem for its historical and religious significance and hold it in great affection. As a result, this continued reluctance to move the Embassy to Israel’s precious capital and most important city is perceived as the ultimate diplomatic snub. It is only appropriate that we correct this slight.

Jerusalem has emotional resonance that reaches far beyond the Middle East as the religious capital for all Jews, Christians, and Muslims. It is a sacred site for many others. The Israeli Government has earned our praise in its valiant efforts to ensure that people of all faiths have unhindered access to their holy sites. Unfortunately, Jerusalem is also a city that is sorely in need of a national security waiver in the compromise version of this legislation, to which Senator Lautenberg detailed for the Senate yesterday.

Mr. President, I have been somewhat skeptical as to whether we can pass legislation that will really move our Embassy to Jerusalem. Many supporters of S. 1322 have expressed reasonable concerns that this measure is ill-timed and that in its original form it could have had an adverse effect on the peace process. I am pleased that Senators Feinstein and Lautenberg were able to work with the original sponsors of this measure to achieve a compromise to address the administration’s concerns.

With or without this legislation, I continue to urge the administration to move the U.S. Embassy to Jerusalem as soon as possible. I urge my colleagues to support this bill to send that message to the administration.

Mr. MACK. Madam President, I rise in support of S. 1322, a bill to relocate the U.S. Embassy to Jerusalem. I have long supported placing the U.S. Embassy in Jerusalem. It is time that the United States recognized Jerusalem as the capital of Israel by placing our Embassy there. Such recognition is long overdue—47 years overdue. Over time, the location of the Embassy in Tel Aviv has taken on a significance that is at odds with our strong and unwavering support for Israel and Jerusalem as its undivided capital.

The United States failure to recognize Jerusalem as the capital of Israel has only served to embolden the enemies of Israel, leading them to think perhaps the United States, Israel’s closest ally, will not make the political statement about the status of Jerusalem. We are not. And it is long past time for us to demonstrate our steadfast commitment to an undivided Jerusalem as the historic, governmental, and spiritual capital of Israel.

Much of the discussion on this bill has addressed concerns that relocation of the U.S. Embassy to Jerusalem would have a detrimental effect on the peace process. The opposite is true. An essential part of the peace process involves a clear understanding between the parties on a number of issues, and an undivided Jerusalem as the capital of Israel is one. PLO compliance is another. On both counts, I want to absolutely clear: both are essential to a lasting peace in the Middle East. Both are good for Israel and both are good for the Palestinian people. Both are fundamental prerequisites for moving forward into a phase of good relations between Israel and its neighbors. Both are necessary for stability, economic development, good government, and the rule of law for the Palestinian people.

Mr. PRESSLER. Madam President, I want to join the strong chorus of bipartisan support for S. 1322, the Jerusalem Embassy Relocation Act. As an original cosponsor of this bill, as well as the legislation introduced early this year, S. 770, I am pleased to take decisive action. This bill already has more than 60 cosponsors—a testament once again to the strong bond between the people of the United States and Israel, our friend and ally in the Middle East. I urge each member of both the House of Representatives and the Senate to pass this legislation and send it to the White House as soon as possible.

Swift passage would not only be appropriate, but timely. In less than 2 weeks, Prime Minister Rabin and Mayor Olmert of Jerusalem will be with us here in the Capitol to commemorate the 3,000th anniversary of the establishment of Jerusalem as the capital of Israel by King David. It was 45 years ago, in 1950, when Jerusalem formally was reestablished as the capital of Israel. Throughout this city’s rich history, Jerusalem has been an important city to people of many faiths. It has been occupied by military governments, pseudo-states, and empires. However, for three centuries, only one State has called Jerusalem its capital—the State of Israel. Jerusalem is and should forever be the capital of Israel. Jerusalem is where our Embassy belongs.

The Senate repeatedly has expressed in a strong, unified voice that the United States Embassy in Israel should be relocated to Jerusalem. Earlier this year, a strong bipartisan majority of my colleagues—92 to be exact—in a letter to Secretary of State Warren Christopher, urging that the State Department begin taking concrete steps to relocate the U.S. Embassy to Jerusalem. The legislation we are passing today makes that process moving. Specifically, S. 1322 would set a definitive timeline for the construction and relocation of the
Mr. President, several weeks ago I had the privilege of being present at the White House to witness the historic signing of the Interim Agreement on the West Bank and Gaza by Prime Minister of Israel Yitzhak Rabin and PLO Chairman Yasser Arafat. With the stroke of their pens, they took, the peoples of the Middle East one step closer to a lasting peace. All of the efforts of those who were the enemies of peace could not deter these two brave leaders from their goal of finding the common ground that made that agreement a reality.

Since the establishment of the State of Israel more than 47 years ago, the people of Israel have sought to live in peace with their neighbors in the Middle East. For too long Israeli efforts to reach out for peace and dialog with its Arab counterparts were met with rejection and terrorism. Fortunately that has now largely changed. Clearly the break up of the Soviet Union and the Gulf war were defining moments that totally reshaped the political landscape in the Middle East and improved the prospect for peace.

Mr. President, I fully understand the emotional attachment that Israelis—indeed all Jews—have for Jerusalem. I also respect the significance of this city to Christian and Jewish faiths. Under Israeli sovereignty, all nations have enjoyed complete freedom of worship in a united Jerusalem. Moving the U.S. Embassy to Jerusalem will in no way effect freedom of access to these holy places or Christian continued control of their respective holy sites in that city.

We can all be justly proud of the enormous progress that has been made to date to undo the destruction and distrust that are the byproduct of decades of hatred and havoc in the Middle East. But we must also be realistic about the difficult issues that remain to be resolved. We must also be mindful of actions we might take here in this body that could complicate efforts to reach a final agreement.

It is within that context that the administration's opposition to legislatively mandating the relocation of the U.S. Embassy to Jerusalem by a date certain should be understood. Having said that, I believe that at this point not to vote in support of this legislation would send the wrong signal to those who would prefer to see the Middle East remain in turmoil. It would send the wrong signal to those who might believe that our view about the undivided nature of the capital of Israel will somehow change.

Mr. President, I also would note that the changes that have been made to the original legislation by its sponsors do address some of the specific concerns expressed by the administration about earlier versions. I am pleased that ongoing discussions concerning the inclusion of Presidential waiver authority bore fruit. Mr. President, while I may have had some doubts about the specific wording of the legislation or the timing of its consideration, I wholeheartedly endorse its intent, and will join with my colleagues at the appropriate time in support of final passage.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. Dole. Madam President, this is an historic day for the Senate. Long discussed and long promised, today marks the day that means a U.S. Embassy in Jerusalem will be a reality. On October 13, 1995, along with Senators Moynihan, Kyl, Inouye, and 61 other colleagues, I introduced S. 1322, the Jerusalem Embassy Relocation Act of 1995. It modifies S. 770, introduced last May, by deleting the requirement setting the groundbreaking must be begun on the Embassy by May 1996. This legislation states that Jerusalem should be recognized as the capital of Israel and that our Embassy should be relocated to that city no later than May 1999. That is the bottom line.

I wish to say at the outset that the sponsors of this legislation do not want to undermine the peace process. We support the process of building peace in the Middle East.

In our view this legislation is not about the peace process, as the Senator from Arizona pointed out in a meeting we had the other day with the Senator from California, Senator Feinstein, the Senator from New Jersey, Senator Lautenberg, and the Senator from Connecticut, Senator Lieberman, time and again.

This legislation is not about the peace process; it is about recognizing Israel's capital. Israel's capital is not on the table in the peace process, and moving the United States Embassy to Jerusalem does nothing to prejudge the outcome of any future negotiations.

Years ago, I expressed some concern about the impact of the Oslo and related issues could have on the prospects for peace. But we live in a very different world today. The Soviet empire is gone, and Arab States can no longer use cold war rivalries in their differences with Israel. Iraqi aggression against Kuwait has been reversed with American forces fighting shoulder to shoulder with Arab allies. American military forces remain in the Persian Gulf region. Jordan has joined Egypt in making genuine peace with Israel. The second phase of the Declaration of Principles is being implemented, Gaza is under Palestinian control, and Israeli withdrawal from West Bank towns has begun.

Even yesterday Arafat met with a group of 100 some Jewish leaders in New York City. I never thought it would happen. It happened.

No one can fail to see that the Middle East has changed dramatically. In my view, now is the time to set the deadline for moving the American Embassy to Jerusalem.

In the more than 5 months since this legislation was introduced, there was not one single overture from the Clinton administration. There were veto
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Threats and legal arguments, but no effort to even discuss our differences. Despite the administration's refusal to work with us, the sponsors of the legislation remained willing to address concerns about the bill.

I had no doubt we can work it out and move forward on this legislation.

I want to thank my colleagues, Senator Lautenberg, Senator Feinstein, and others for their willingness to cooperate and work out some of the differences we had, along, of course, with Senator Kyl, Senator Lieberman, Senator Moynihan, and Senator Inouye.

The administration raised concerns over the lack of a waiver provision in the bill. Last Friday, they proposed a national interest waiver with no limits. In the interest of getting the broadest possible support—we hope, even including the support of the White House—the substitute adopted last night included a national security interest waiver. If the waiver is exercised, funding withholding would take place in the next fiscal year. This should take care of any possibly unforeseen impact of the legislation. Despite having the votes to prevail, we have demonstrated our willingness to meet the concerns raised. We did not want a confrontation with the White House. In sum, we have gone the extra mile, and now is the time for the Senate to speak.

Some have said the Israeli Government is opposed to this legislation. Nothing could be further from the truth. The architect of the Oslo accord, Deputy Foreign Minister Yossi Beilin recently made Israeli Government views very clear:

Any timing for transferring any embassy to Jerusalem, is good timing. The earlier the better. Israel is the only nation in the world that doesn't have a recognized capital.

As I said when introducing this legislation, the time has come to move beyond letters, expressions of support, and merely laying out congressional resolutions. The time has come to enact legislation that will get the job done.

Madam President, we have a very sound piece of legislation before us today. I would particularly like to thank the lead sponsors and those who have been helpful in the process.

I am pleased that Senator Feinstein and Senator Lautenberg agreed to co-sponsor the legislation after the subcommittee worked out last night.

It would seem to me we ought to have unanimous or near unanimous support for this legislation.

I ask unanimous consent that several items referred to in my statement be printed in the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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The Office of Legal Counsel ("OLC") Opinion argues that the President has primary responsibility to assure that his specific power to recognize foreign governments to exclusive. OLC Op., p. 2-3. Accordingly, OLC concludes that "Congress may not impose on the President its own foreign policy judgments as to the particular sites at which the United States' diplomatic relations are to take place." Id. at 3. OLC maintains that the imposition of fixed-percentage restrictions on the State Department's FY 1997 and FY 1999 acquisition and maintenance funds until specified steps are completed in the relocation is unconstitutional infringement on the President's powers. See Bill to Relocate the United States Embassy from Tel Aviv to Jerusalem, Op. Off. Legal Counsel (May 16, 1995) ("The proposed bill would severely impair the President's constitutional authority to determine the form and manner of the Nation's diplomatic relations.") (hereinafter "OLC Op.").

II. ANALYSIS

The Office of Legal Counsel ("OLC") Opinion argues that the President has primary responsibility to assure that his specific power to recognize foreign governments to exclusive. OLC Op., p. 2-3. Accordingly, OLC concludes that "Congress may not impose on the President its own foreign policy judgments as to the particular sites at which the United States' diplomatic relations are to take place." Id. at 3. OLC maintains that the imposition of fixed-percentage restrictions on the State Department's FY 1997 and FY 1999 acquisition and maintenance funds until specified steps are completed in the relocation is unconstitutional infringement on the President's powers. See Bill to Relocate the United States Embassy from Tel Aviv to Jerusalem, Op. Off. Legal Counsel (May 16, 1995) ("The proposed bill would severely impair the President's constitutional authority to determine the form and manner of the Nation's diplomatic relations.") (hereinafter "OLC Op.").

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1 If footnotes at end of letter.
The Attorney General and OLC have reasoned that if Congress is without constitutional power to make decisions for the President in areas the Constitution commits to his discretion, then it cannot constitutionally assert itself as a decisionmaker with the option of refusing the funding for the Surgeon General’s Office if certain nominees are proposed. Similarly, Congress may constitutionally pledge to reduce financial support for certain foreign interests or international organizations simply because it is displeased with the President’s exercise of his constitutional duties. The President as commander and Chief of the Marine Forces and as the Marine Corps’ primary decisionmaker with those duties. S. 770’s establishment of such a device is similarly within Congress’ constitutional authority. By entrusting the President with the authority to definitively resolve certain questions, the Framers did not erect a prophylactic showing of good faith and respecting the President against all attempts to influence the manner in which he resolves those issues. Accordingly, the Founders did not erect some special constitutional protection for the President which immunizes him from the give and take of inter-branch disagreements. Rather, they expected that a President of “tolerable firmness” would be able to resist congressional blandishments to pursue a course he deemed wise, assuming such appropriations riders are proposed. Similarly, Congress may constitutionally pledge to reduce financial support for one of the branches of the armed forces even if it would otherwise have, and so S. 770 is plainly designed to influence the President’s decision on the Jerusalem Embassy. But this sort of “horse trading” is a basic staple of relations between the two political branches and hardly infringes the President’s constitutional authority or powers. For example, the Framers permitted the constitutional authority to nominate whomever he desires for, say, Surgeon General, and Congress does not unconstitutionally interfere with that presidency’s exclusive discretion. S. 770’s establishment of such a device is similarly within Congress’ constitutional authority. By entrusting the President with the authority to definitively resolve certain questions, the Framers did not erect a prophylactic showing of good faith and respecting the President against all attempts to influence the manner in which he resolves those issues. Accordingly, the Founders did not erect some special constitutional protection for the President which immunizes him from the give and take of inter-branch disagreements. 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otherwise within the President's constitutional power is an effective prohibition against taking such action and thus presents a different, and more difficult, constitutional question. As noted, however, the situation here is certainly not the situation there. The President has been offered a choice directly analogous to that offered the states in Doe—he may pursue one course and accept the financial consequences or acquiesce to the preferred option without any restrictions.

OLC has nonetheless previously sought to distinguish Doe on the grounds that the Supreme Court's decision in Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, 111 S. Ct. 2298 (1991) (hereinafter "MWAA") found Doe "inapplicable to issues that involve separation-of-powers concerns." The reasoning here was that since Congress' control of the Board of Review, which is allegedly federal power to operate the airports, was "inapplicable" to cases involving "separation-of-powers concerns," it was simply a "Highway Board of Review" composed of Members of Congress which was not, as the Court said, federalism concerns implicated in Doe. Since the Court was concerned that the scope of the federalism concerns implicated in Doe were somehow different and thus immune from such congressional blandishments. Contrary to OLC's misleading selective invocation of the MWAA rationale, that rationale was "inapplicable" to cases involving separation-of-powers concerns, it simply stated that Doe's rationale was "inapplicable to issues that involve separation-of-powers concerns." The dissent argued that no separation-of-powers issue was implicated in MWAA, was whether Congress was effectively responsible for creating the Board of Review, which was composed of Members of Congress and had veto power over the Airport Authority's important decisions. Id. at 2313 (White, J. dissenting). The dissent argued that no separation-of-powers issue was implicated by this Board of Review because the Commonwealth of Virginia was either able or required to spend the $5 million authorization is to remain in effect without temporal restriction until such funds are expended. §4 Though the President is in no way obligated to fund the $5 million allocation for relocation effort, such funds cannot be used for any other purposes. General Accounting Office, "Prisoners of the Past," 1992, p. 67 (1992) (in an appropriations bill providing $1,000,000 for [smoking materials . . . of which not less than $500,000 shall be available for the purchase of Cuban cigars]).

Two million dollars was made available in fiscal years 1996 and 1997, requiring that such earnings are earmarked for the support of Cuban cigars may not be applied to the other items of the appropriation.); Earmarked Authorizations, 64 Comp. Gen. 389, 395 (1985) (asserting that where measure providing funding for the National Endowment for Democracy includes the ear-markers "Not less than $13,800,000" for projects of the Free Trade Union Institute, "awards should not be made" where there is no worthy programs, "but the consequence of this [non-allocation] is not to free the unobligated earmarks for other projects."). Section 5 of Title II of P.L. 104-304, 111 S. Ct. 2298 (1991); New York v. U.S., 112 S. Ct. 2408, 2412 (1992) ("[T]he Constitution divides power between the legislative and executive branches for purposes of the protection of individuals.") (emphasis added.) To be sure, under MWAA, Congress could not conclude that the President's decision to transfer his recognition powers to congressional decisionmakers and, as indicated, there is a plausible argument that Congress cannot directly supplant the President's decision-making authority on such matters, even though directives in appropriations bills. Like any other measure, OLC's position should consider many factors in making his own decisions. Just as he may consider the reaction of foreign countries, he may also consider a strong Executive. Accordingly, nothing precludes Congress from seeking to influence that decision through use of its own constitutional powers including the spending power. Indeed, OLC's contrary position demeans the President's constitutional status and in so doing undermines Congress' exercise of its "independence" from a strong Executive. The OLC Opinion suggests that the President, unlike the states, lacks the ability or the will to resist Congress' financial inducements, particularly given the existence of his veto power, this view of the President's authority vis-a-vis Congress is obviously untenable and irreconcilable with the Framers' views. The Framers did not erect a prophylactic constitutional umbrella protecting the President from the persuasive power of Congress' financial inducements. Congress' financial inducements, therefore, are no different than Congress' use of the spending power to influence the sovereign power of states guaranteed by the Tenth Amendment and the Constitution's basic structure and separation-of-powers principles. As long as the State's sovereign authority is not coerced Virginia to make this decision was of no moment because this "coerced" was no different than Congress' use of the spending power to influence states in Doe. Id. at 2316-17.

In the section of the opinion relied upon by OLC, the majority refused both prongs of the dissent's argument:

"Here, unlike Doe, there is no question about federal power to operate the airports. The question before us is whether the maintenance of federal control over the airports by means of the Board of Review, which is allegedly federal authority between federal and state government, is invalid, not because it invades any state power, but because Congress' continued control violates federal instrumentality, is invalid, not because its exercise of sovereignty in a certain way. Rather, Virginia agreed to transfer its sovereignty over the Airport Authority to Congress in return for favorable financial inducements to a highway board of review. "Highway Board of Review" makes clear, while the federal government may use its spending power to induce the state to exercise its own sovereignty, Congress cannot use its spending power to induce the state to enhance congressional authority by creating non-federal executive instrumentalities. In short, Virginia was not trading away its own state power over airports; it had none. Rather, it was trading away the pre-existing executive power of the state to operate the airports to Congress. Since Virginia obviously had no Executive power to trade, Congress could not invoke Doe to justify its exercise of Executive power."

As this detailed review establishes, MWAA said that Doe was inapplicable because 1) there was no state power to bargain away, and 2) states cannot enhance congressional power in return for congressional dollars. Nothing in MWAA suggests that Doe was inappropriate because the Executive, unlike the states, in somehow disabled from agreeing to exercise his sovereign authority in a particular manner in return for increased congressional monies. To the contrary, like the states, the Executive Branch, "absent coercion . . . has both the incentive and the ability to protect its own rights and property, and therefore may not be deprived of them." MWAA, 111 S. Ct. at 2309. The fact that preserving the President's powers against congressional encroachments is ultimately designed to protect the "whole people from improvident laws" does not suggest a different rule, since the federalism concerns implicated in Doe were more directly attributable to the President's liberty. See U.S. v. Lopez, 115 S. Ct. 1624, 1626-27 (1995) ("[U]s just as the separation and independence of the coordinate branches of the Federal Government is derived from the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.")."
United States v. Pink, 315 U.S. 203, 229 (1942) (asserting that the executive's constitutional authority to recognize governments "is not limited to a determination that coercion be recognized. It includes the power to determine the policy which is to govern the question of recognition."). Congress used its control over appropriations to influence executive actions on foreign affairs. Policies designed to limit or foreclose military or paramilitary operations in Nicaragua or Angola. "Congress has insisted and Presidents have reluctantly accepted that in foreign affairs . . . spending is expressly entrusted to Congress and its spending power to coerce activity that itself violates the Constitution. See Henkin, "Foreign Affairs and the Constitution" 114 (1972). ("Congress has insisted and Presidents have reluctantly accepted that in foreign affairs . . . military or paramilitary operations in Nicaragua . . . ")."

"[T]he independent constitutional bar" limitation on national security interests is not, as petitioners suggest, a prohibition on the indirect achievement of objectives which Congress is not empowered to achieve. We think that the language in our earlier opinions stands for the unexceptionable proposition that the power may not be used to induce activities that would themselves be unconstitutional.

South Dakota v. Dole, 483 U.S. 203, 210 (1987). See also Oklahoma v. Civil Service Commission, 330 U.S. 127 (1947). Of course, the President, unlike the states, has no access to funds other than those appropriated by Congress. Thus, unlike the situation with state governments, a prohibition precluding the President from spending money on an activity pursuant to a particular authority is a direct prohibition against pursuing that activity. This provides a plausible basis for distinguishing the present case from a direct prohibition involving an expenditure of money on the President's discretion. The President's power to make foreign policy, to decide when and how it should be made, and to send a wrong message to the Arab world that doesn't have a recognized capital and I am not prepared to accept that if Israel has a recognized capital this will affect the negotiations.

Mr. KYL. The waiver provision in S. 132 will be examined by many people. I would like to join with the distinguished majority leader in clarifying on the Record the meaning and purpose of the waiver. Mr. DOLE. I agree with my friend from Arizona, it is important to address the scope and meaning of the waiver provision. It is important that no one think that this provision would allow the President to ignore the requirements of S. 132 simply because he disagrees with the policy this legislation is promulgating. The President cannot lawfully invoke this waiver simply because he thinks it would be better to move our Embassy to Jerusalem simply because he thinks it would be better to move it at a later time. The waiver is designed to be read and interpreted narrowly. It was included to give the President limited flexibility—flexibility to ensure that this legislation will not harm U.S. national security interests in the event of an emergency or unforeseen change in circumstances.

Mr. KYL. What is the significance of the phrase "national security interests" as opposed to "national interest"?

Mr. DOLE. This is the way we are ensuring that the waiver will not permit the President to negate the legislation simply on the grounds that he disagrees with the policy. "National security interests" in much narrower than the term "national interest"—and it is a higher standard than national interest. The key word is security. No President should or could make a decision to exercise this waiver lightly. Mr. KYL. Is it fair to say that the intention of the waiver is to address constitutional concerns that have been raised about S. 132?

Mr. DOLE. It is fair to say that the waiver is intended to address general, constitutional, unforeseen circumstances. We believe S. 132 is constitutional even without the waiver, but the constitutional questions that have been raise about it deal
with issues so important that we think it is best to offer the President the limited flexibility of the waiver. It is within the constitutional appropriations power of Congress to withhold funds from the executive branch if it does not act in accordance with congressional mandates.

Mr. KYL. Although in drafting the legislation Senators did not limit the number of times the President could invoke the waiver authority, is it correct to say that the intent of the drafters is not to grant the President the right to invoke the waiver in perpetuity?

Mr. DOLE. The waiver authority should not be interpreted to mean that the President may infinitely push off the establishment of the American Embassy in Jerusalem. Our intent is that the Embassy be established in Jerusalem by May 1999. If a waiver were to be repeatedly and routinely exercised by a President, I would expect Congress to act by its authority.

I yield the floor.

Mrs. FEINSTEIN. I yield 4 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California. I would think how much time is left, because I want to be certain that my colleagues from Delaware has a chance to say a few words.

The PRESIDING OFFICER. After your 4 minutes, there will be 3½ minutes remaining on your side.

Mr. LAUTENBERG. And also for the Senator from California and the Senator from Connecticut. I will try to wrap up in a couple minutes because yesterday I think I expressed myself and my full support for this substitute. I want to commend the majority leader, Senator DOLE, and Senator KYL for the hard work that they did to move this legislation along to ensure that the capital of Israel, the capital chosen many years ago, is going to be returned home to our Embassy, as it ought to be.

Frankly, there was some difficulty in arriving at the consensus view that we finally did. And that was largely, not because we disagreed on the objective, that is, moving our Embassy to Jerusalem, but because perhaps there might have been an involvement that would have interfered with the orderly discussion of the peace process.

Madam President, the one thing that I want to be sure of is that as much as possible we stop the killing in the Middle East, that as much as possible we get these parties together on an open and honest basis. And the process is in being at this moment. There has not been in the history of the creation of the State of Israel a friendlier President than President Clinton is to Israel.

We saw on the lawn of the White House the celebration of the end of enormous hostilities that existed for decades where people just looking at one another were almost ready at first sight to kill each other.

Yesterday’s story in the Washington Post was a poignant recollection of what happens to two families, one Arab, one Jew, who lost their sons, one responsible in a way for the death of the other, but nonetheless no one seeking revenge, no one looking for vengeance. What they wanted to do was make sure that other families did not have to mourn the loss of a son or a daughter, be they Palestinian or Jews.

That is the way we ought to be approaching this. And I think, Madam President, it is important that we happen. All of us want the Embassy moved. The question is, we want it to happen as soon as possible, but we want the peace discussions to continue, as I said, in an orderly fashion.

I worked very closely with some dear friends, with Senator LIEBERMAN from Connecticut, with whom I share a very deep interest in the State of Israel, in Jerusalem, in the peace process, and with Senator BIDEN who has had a long memory of support for Israel. And I want to commend Senator FEINSTEIN for her diligence, for her insight into the problem, and for getting us to this point where I believe that the supporting vote will be almost unanimous, as I believe it should be.

And so, Madam President, it is a moment that not yet calls for celebration, but does initiate a process of which I think we can all be proud.

Madam President, I support this substitute amendment.

Unlike the original bill, this amendment includes a waiver for the President. I believe the amendment will mandate the move of the American Embassy to Jerusalem while providing the administration flexibility in case it’s necessary for national security reasons.

Madam President, I have long supported having the American Embassy in Jerusalem. I wish the American Embassy had been established in Jerusalem long ago, when the State was established or when the city was reunified in 1967. I believe Jerusalem—a city I have visited many times—will always remain the undivided capital of the State of Israel.

The pace at which the Middle East peace process has yielded tangible results has been breathtaking. Just 2 years ago, on September 13, 1993, Prime Minister Rabin and Yasser Arafat agreed to end the war and when they signed the historic Declaration of Principles and shook hands at the White House. Continuing their pursuit of peace, they signed the Cairo Agreement on Gaza and Jericho on May 4, 1994. And just weeks ago, on September 28, 1995, they again met at the White House to sign an agreement on the West Bank.

Jordan, too, has been brought into the process and has signed a formal peace agreement with Israel. America should be proud of the role it has played in helping former enemies agree to end hostilities. To be sure, the parties in the Middle East needed to be ready to take the giant step toward peace. It was their readiness and their political courage that made peace attainable.

The amendment we offer now would help protect the peace process should national security interests warrant it. The amendment would provide a national security waiver for periods of up to 6 months with prior reporting to Congress. It was included to give the administration a limited amount of flexibility.

It also includes a clear expression of the Congress’ belief that Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected. It expresses the Congress’ clear view that Jerusalem should be recognized as the capital of the State of Israel and that our Embassy there should be established by May 1999.

I am firmly convinced, Mr. President, that the peace process will result in Israel retaining control over all of Jerusalem, and that Jerusalem will remain the undivided capital of Israel.

I am encouraged by support for the peace process. Even those who have lost their children to senseless acts of terrorism agree about the imperative of achieving peace. Earlier this year, a young college student from New Jersey was killed in a suicide bombing in Gaza. Her name was Aliza Flatow, and her death brought home to the people of New Jersey the urgent need to bring peace to the Middle East.

I was in Israel at the time of this terrible tragedy, and from there, I spoke to Aliza’s parents in New Jersey. Despite the loss of their daughter and in the midst of grieving her loss, Aliza’s father urged me to do whatever I could to support the peace process and to ensure that it would move forward unimpeded. Only the peace process, he said, holds the promise of bringing an end to these senseless deaths.

Our goal is to send a bill to President Clinton that will mandate the opening of the Embassy for the President. The amendment we are offering is consistent with that goal. It would represent a clear policy statement that the Embassy will be moved and is intended to preserve the President’s constitutional authority. Absent a national security interest, it requires the Embassy to be established in Jerusalem by May 1999.

I urge my colleagues to support this amendment.

Mr. KYL. Madam President, I ask unanimous consent that Senator GRAHAM from Florida be added as a co-sponsor to the legislation.

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

Mr. KYL. At this time, I would yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. KYL. How much time remains?

Mr. LIEBERMAN. I do not think I need more than 3 minutes.

Mr. KYL. I yield 3 minutes to the Senator from Connecticut.
Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Arizona, not only for yielding time but for the extraordinary leadership and dedication he has shown in his support of this measure.

Madam President, perhaps it is appropriate that I begin with some words from the prophets.

Amos first.

In that day I will raise up the tabernacle of David that is fallen, and close up the breaches thereof; and I will raise up his ruins, and I will build it as in the days of old.

Then Jerehiah.

So says the Lord; Behold I will return the captives of the tents of jacob . . . and the city shall be built upon her own mound.

Madam President, tomorrow in this Capitol we will join in the worldwide celebration of the 3,000th anniversary of the entering of King David into the holy city of Jerusalem.

In our time, in 1948, thanks to the courage of people of the State of Israel, thanks to extraordinary support from people throughout the world, including particularly the Government of the United States, we witnessed the creation of the modern State of Israel and the establishment of Jerusalem as its capital.

For the ensuing 47 years, for a lot of reasons that were not adequate, we in the United States, administration after administration of both parties, refused to locate our Embassy in Israel in the city of Jerusalem designated as the capital by that country as we do in virtually every other country in the world.

Today, thanks to the leadership of Senator MOYNIHAN who has fought for it for so many years, of Senator INOUYE, Senator KYL, Senator BIDEN, who is on the floor, who has been unyielding and persistent in his support of this principle and, in the last few days, together with Senators FEINSTEIN and LAUTENBERG, we have come to the point where I think we fashioned an extraordinarily strong and honest bill that will receive overwhelming bipartisan support in both Chambers and I hope will be signed by the President.

Madam President, I want to say that there have been concerns raised about the impact that passing this measure now would have on the peace process. In this Senate, I will make two brief points. First, the location of the U.S. Embassy never was and never should be the subject of negotiations among third parties. It is our decision, it is an American decision, and we will make it here today.

Second, as a supporter of the peace process in the Middle East, I feel particularly that this is the moment, as trust grows—and honesty is at the core of our relations with the Israelis and the Palestinians and the Arab world—that it is time to do what is honest and say clearly our Embassy belongs in Jerusalem, the city that has been denoted by the Israelis as their capital.

I will say in closing, ending, it seems to me, appropriately with a Psalm that we are realizing in this vote today the hopes expressed by David in Psalm 122, when he wrote:

Pray for the peace of Jerusalem: they shall prosper that love thee.

Peace be within thy walls, calm within thy palaces.

If I may offer a modern-day interpretation of the word palaces, calm be within thy embassies as they locate in the city of Jerusalem.

I thank the Chair and my friends and colleagues. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I yield the remainder of my time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes, 32 seconds.

Mr. BIDEN. Madam President, thank you very much. I would like to thank my colleagues from California for her leadership in bringing about what I think is a workable piece of legislation.

I would like to thank Senator MOYNIHAN, who is not here. In 1983, he started this process. He argued that we should be doing this, and we are finally getting there.

With regard to the last point made by my colleague from Connecticut about the peace process, I have had the opportunity to go to the region and I believe that the only way there will be peace in the Middle East is for the Arabs to know there is no division between the United States and Israel—none, zero, none.

I argue that is why we are where we are today, because we did not relent under the leadership of this President and others. We made it clear that no wedge would be put between us, there by leaving no alternative but the pursuit, in an equitable manner, for peace.

Those of us who are on this floor, with the Jewish people know the central meaning that the ancient city of Jerusalem has for Jews everywhere. Time and again, empires have tried to sever the umbilical cord that unites Jews with their capital.

They have destroyed the temple. They have banished the J ewish people from living in Jerusalem. They have limited the number of Jews allowed to immigrate to that city. And, finally, in this century, they tried simply to eliminate Jews.

(Mr. KYL assumed the chair.)

Mr. BIDEN. They may have succeeded, Mr. President, in destroying physical structures and lives. But they have never succeeded in wholly eliminating Jewish presence in Jerusalem, or in cutting the spiritual bond between Jews and their cherished capital.

After the horrific events of the Holocaust, the Jewish people returned to claim that many rulers have tried to deny them for centuries: The right to peaceful existence in their own country in their own capital.

How many of us can forget that poignant photograph of an unnamed Israeli soldier breaking down in tears and prayer as he reached the Western Wall after his army liberated the eastern half of the city in the Six Day War? How many of us can forget of a people long denied their rightful place among nations. A people denied access to their most hallowed religious sites. A people who had finally, after long tribulation, come home.

Mr. President, it is unconscionable for us to refuse to recognize the right of the Jewish people to choose their own capital. What gives us the right to second-guess their decision?

For 47 years, we, and much of the rest of the international community, have been living a lie. For 47 years, Israel has had its government offices, its Parliament, and its national monuments in Jerusalem, not in Tel Aviv. And yet, nearly all embassies are located in Tel Aviv. I think this is a denial of fundamental humanity.

Mr. President, are we, through the continued sham of maintaining our Embassy in Tel Aviv, to refuse to acknowledge what the Jewish people know in their hearts to be true? Regardless of what other nations may think, Jerusalem is the capital of Israel.

And Israel is not just any old country. It is a vital strategic ally. As the Israelis and Palestinians begin the final status negotiations in May negotiations, I might add, that were made possible through the leadership of President Clinton—it should be clear to all that the United States stands squarely behind Israel, our close friend and ally.

Moving the U.S. Embassy to Jerusalem will send the right signal, not a destructive signal. To do less would be to play into the hands of those who will try their hardest to deny Israel the full attributes of statehood.

I yield my colleagues to support this legislation.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, I thank the distinguished majority leader for leading this in a tough road. It has not been easy. We have talked about this for years. The people of Israel have fought repeatedly to hold the State of Israel intact. They have designated their capital. The capital is Jerusalem. This historic, important religious city is their capital. I think it is most unusual for the United States to go to another city to establish its Embassy when the country we are being hosted has established a different city for us.

The time has come long since for America to recognize the capital city of Israel. It is Jerusalem. It is time for us to move in a responsible way to...
I commend the majority leader and the Senator from Arizona for their leadership in this area. I appreciate the fact that all factions have come together to clearly state that there must be some leeway for the President to make this move in a timely way. I think that leeway has been granted. This is quite a reasonable resolution. The time has come for us to have our Embassy in the capital of Israel. The capital is Jerusalem.

Thank you, Mr. President.

Mr. DASCHLE addressed the Chair.

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

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, finally, after 50 years, the Congress is about to act on the movement of our Embassy to Jerusalem. This has been a bipartisan effort. I have been proud to cosponsor Senator DOLE's legislation, and it is truly a historic day. This is a meaningful day. It is a day where we finally recognize the reality, which is that Jerusalem is the capital of Israel and that at the end of the peace process will be the capital of Israel.

It will not help the peace process for there to be any ambiguity about where Israel's capital is. Our action today will help to eliminate any such ambiguity and to make it clear to all concerned that this country is finally going to do in Israel what we have done in every single country in the world, which is to place our Embassy in the capital city.

I want to thank the Democratic leader. I want to thank the majority leader, also, for his leadership here. I yield the floor.

The PRESIDING OFFICER (Mrs. HUTCHISON). The minority leader.

Mr. DASCHLE. Madam President, let me commend the distinguished Senator from Michigan for his comments and associate myself with his remarks. This has been a bipartisan effort over the last several weeks, particularly the last several days.

There is little doubt that we all share the same goals. There has been a good faith effort to reach an agreement that will allow us the confidence that those goals could be met.

I want to commend in particular the participants in those negotiations over the last several days, Senators FEINSTEIN, my good friend, Senator KYL, Senators DASCHLE and LIEBERMAN, and certainly the majority leader for all of the work that he put into ensuring that we would reach this point today.

I think it is fair to say we all agree on three shared goals. The first is the most obvious: moving the Embassy to Jerusalem. We recognize that Jerusalem is spiritual center and the capital of Israel, as well as a special city for those all over the world. Each country, itself, has the right to designate its capital, and certainly our Embassy should be there.

Second, we want to ensure that Jerusalem remains an undivided city in which the rights of every ethnic and religious group are protected. That has been a goal articulated officially by this Senate since we adopted Senate Concurrent Resolution 106 in 1990. Third, and perhaps most important in the context of this debate and the negotiations that have taken place, we want to ensure that the peace process moves forward.

Let me commend the administration for emphasizing as strongly as they have the critical importance of this last goal. It is their concern and their desire to ensure that we have the flexibility, that we have the opportunities, that we have all of the tools necessary to ensure that we can reach all three goals—that we move the Embassy, that we can ensure that it remains an undivided city, and, most importantly, that the peace process be allowed to continue.

Personally believe that the language that has now been agreed upon will provide the President the flexibility to ensure that the peace process can move forward. Definitely, the whole concept of a peace process is in our national security interest. That peace process must be contained. That peace process has to be nurtured throughout the next several years, and certainly the administration needs to proceed very carefully as we begin to articulate our goals as it relates to moving the Embassy.

The administration has concerns about the constitutionality of this legislation. I understand that. I hope that we can find this agreement has adequately addressed those concerns, as well.

Clearly, this has to be an effort on which we continue to work with the administration. I am very hopeful that, as a result of the tremendous work that has been done in the last several months, we can build upon our work with the State Department and with others in the administration to ensure that our goals are realized.

Let me again commend all of those who were instrumental in reaching this agreement, to ensure a U.S. commitment to an Embassy in Jerusalem, and equally as important, Madam President, to ensure that the U.S. commitment to the peace process maintains the kind of priority that we all have recognized during these very difficult talks.

The PRESIDING OFFICER. The Senator has 2 minutes and 12 seconds remaining.
the One Hundred Second Congress to commemorate the 29th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected;

(11) The September 13, 1993, Declaration of Principles on Interim Self-Government Arrangements lays out a timetable for the resolution of "final status" issues, including Jerusalem.

(12) The Agreement on the Gaza Strip and the Jericho Area was signed May 4, 1994, beginning the year transitional period laid out in the Declaration of Principles.

(13) In March of 1995, 93 members of the United States Senate 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.

(14) In June of 1993, 257 members of the United States 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".

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

(16) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.

(17) In 1996, the United States will celebrate the 3,000th anniversary of the Jewish presence in Jerusalem since King David's entry.

SEC. 3. TIMETABLE.

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

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

(2) Jerusalem should be recognized as the capital of the State of Israel; and

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

(b) OPENING DETERMINATION.—Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for "Acquisition and Maintenance of Buildings Abroad" may be obligated until the Secretary of State determines and reports to Congress that the Embassy in Jerusalem has officially opened.

SEC. 4. FISCAL YEARS 1996 AND 1997 FUNDING.

(a) FISCAL YEAR 1996.—Of the funds appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1996, not less than $25,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Jerusalem in the capital of Israel.

(b) FISCAL YEAR 1997.—Of the funds appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1997, not less than $75,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Jerusalem in the capital of Israel.

SEC. 5. REPORT ON IMPLEMENTATION.

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

(1) estimated dates of completion for each phase of the establishment of the United States Embassy, including site identification, land acquisition, architectural, engineering and construction surveys, site preparation, and construction; and

(2) an estimate of the funding necessary to implement this Act, including all costs associated with establishing the United States Embassy in Jerusalem.

SEC. 6. SEMIANNUAL REPORTS.

At the time of the submission of the President's fiscal year 1997 budget request, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the status of implementing the United States Embassy in Jerusalem.

SEC. 7. PRESIDENTIAL WAIVER.

(a) WAIVER AUTHORITY.—(1) Beginning on October 1, 1996, the President may suspend the limitation set forth in subsection (b) for a period of six months if he determines and reports to Congress in advance that such suspension is necessary to protect the national security interests of the United States.

(2) The President may suspend such limitation for an additional six month period at any time thereafter if he determines and reports to Congress in advance that such additional suspension is necessary to protect the national security interests of the United States.

(b) APPLICABILITY OF WAIVER TO AVAILABILITY OF FUNDS.—If the President exercises the authority set forth in subsection (a) in a fiscal year, the limitation set forth in section 3(b) shall apply to funds appropriated in the following fiscal year for the purpose set forth in such section 3(b) except to the extent that the limitation is suspended in such following fiscal year by reason of the exercise of the authority in subsection (a).

SEC. 8. DEFINITIONS.

As used in this Act, the term "United States Embassy" means the offices of the United States diplomatic mission and the residence of the United States chief of mission.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. KYL. Mr. President, I yield to the distinguished Senator from Arizona for a unanimous-consent request without losing my right to the floor.

Mr. KYL. Mr. President, I ask unanimous consent that Senator PELL be listed as a cosponsor of the bill just presented.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 30 minutes and not require the much time—out of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.