

105TH CONGRESS
2D SESSION

H. R. 4181

To require the expenditure of funds for the construction of United States chancery facilities in Berlin and Jerusalem in such a manner as to ensure comparable rates of construction and occupation of the 2 facilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. SHERMAN (for himself, Mr. SAXTON, Mr. SALMON, Mrs. MCCARTHY of New York, Mr. PALLONE, Mr. McNULTY, Ms. ROS-LEHTINEN, Mr. WATTS of Oklahoma, Mr. LOBIONDO, Mr. PAPPAS, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HAYWORTH, Mr. RYUN, Mr. CALVERT, and Mr. SNOWBARGER) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To require the expenditure of funds for the construction of United States chancery facilities in Berlin and Jerusalem in such a manner as to ensure comparable rates of construction and occupation of the 2 facilities.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jerusalem and Berlin
5 Embassy Relocation Act of 1998”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Berlin was Germany's capital from 1871
4 through the end of World War II. At the end of the
5 war, the city was divided into 4 sectors: American,
6 British, French, and Soviet. Eventually, the Soviet
7 sector became communist East Berlin and the other
8 sectors combined to form West Berlin.

9 (2) The Berlin Wall was built in 1961 by the
10 East German authorities to prevent East Germans
11 from fleeing to the West. The Wall encircled all of
12 West Berlin, leaving West Berlin as an isolated out-
13 post of the democratic Federal Republic surrounded
14 by communist East Germany. The Wall became a
15 symbol of the cold war and more than 100 East
16 Germans were killed trying to escape.

17 (3) On October 3, 1990, the German Demo-
18 cratic Republic officially acceded to the Federal Re-
19 public of Germany in accordance with Article 23 of
20 the Basic Law. Thus, German unification was
21 achieved after 40 years of division following the Sec-
22 ond World War.

23 (4) On November 9, 1989, the Berlin Wall fell
24 and Berliners were once again able to move through-
25 out the city. On October 3, 1990, Berlin once more
26 became the capital of a unified Germany and on

1 June 20, 1991, the German Bundestag voted to re-
2 turn the seat of government and the parliament to
3 Berlin.

4 (5) The first constitutional body to relocate to
5 Berlin was the Federal President in 1994. The Bun-
6 destag and Chancellery intend to move to Berlin in
7 1999.

8 (6) Shortly after unification, the United States
9 Embassy to East Germany and the United States
10 Mission in West Berlin merged to form the Berlin
11 Office of the United States Embassy in Bonn.

12 (7) After the German decision in June 1991 to
13 return the capital to its historic site in Berlin, then
14 United States Ambassador Kimmitt announced
15 plans in 1992 to rebuild an embassy in Berlin on the
16 United States site at Pariser Platz.

17 (8) The State Department maintains that rees-
18 tablishing the United States Embassy in the center
19 of Berlin will send a signal of American commitment
20 and influence not only to Germany but to all of Eu-
21 rope.

22 (9) On May 14, 1948, in the aftermath of
23 World War II, the state of Israel was created to
24 serve as a homeland and refuge for the Jewish peo-
25 ple.

1 (10) For 3,000 years Jerusalem has been Juda-
2 ism's holiest city and a focal point of religious Jew-
3 ish devotion and is also considered a holy city by
4 members of other religious faiths.

5 (11) There has been an uninterrupted Jewish
6 presence in the city of Jerusalem for 3,000 years
7 and a Jewish majority since 1840. Since 1950, the
8 city of Jerusalem has been the capital of the State
9 of Israel, serving as the seat of the Israeli President,
10 Parliament, and Supreme Court, and the site of nu-
11 merous government ministries and social and cul-
12 tural institutions.

13 (12) From 1948 through 1967, Jerusalem was
14 a divided city and Israeli citizens of all faiths were
15 not entitled to visit the holy sites and Jews from
16 other nations were restricted in their access to holy
17 sites in the area controlled by Jordan.

18 (13) In 1967, the city of Jerusalem was re-
19 united during the conflict known as the Six Day
20 War and since 1967, Jerusalem has been a unified
21 city administered by Israel, and persons of all faiths
22 have been guaranteed full access to holy sites within
23 the city.

24 (14) In 1990, Congress unanimously adopted
25 Senate Concurrent Resolution 106, which declares

1 that Congress “strongly believes that Jerusalem
2 must remain an undivided city in which the rights
3 of every ethnic religious group are protected.”.

4 (15) In 1995, Congress overwhelmingly ap-
5 proved the Jerusalem Embassy Relocation Act (Pub-
6 lic Law 104–45) which requires the establishment of
7 the United States Embassy in Jerusalem no later
8 than May 31, 1999.

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

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

17 (18) Israel and the modern democratic Ger-
18 many were born out of the ashes of World War II
19 and have emerged as staunch allies of the United
20 States. Both nations are vitally important as part-
21 ners in United States economic, security, and cul-
22 tural exchanges.

23 (19) Berlin and Jerusalem are cities with rich
24 histories, emblematic of the great nations which they
25 represent. Both cities have been divided by war and

1 ideological differences; today, both cities have been
2 reunited and proudly serve as their nation's capital.

3 **SEC. 3. STATEMENT OF THE POLICY.**

4 It is the sense of Congress that the United States
5 should proceed simultaneously with the design, construc-
6 tion, and occupancy of an embassy in Berlin, the capital
7 of Germany, and in Jerusalem, the capital of Israel.

8 **SEC. 4. EXPENDITURE OF FUNDS.**

9 Notwithstanding any other provision of law, funds
10 available to the Department of State for fiscal years 1999
11 and 2000 under the appropriations account entitled, "SE-
12 CURITY AND MAINTENANCE OF UNITED STATES
13 MISSIONS" may not be obligated or expended for any
14 purpose relating to the construction of chancery facilities
15 in Berlin, Germany, unless construction of chancery facili-
16 ties in Jerusalem, Israel, has either commenced or com-
17 mences simultaneously in a manner as to ensure com-
18 parable rates of construction and completion of the 2 fa-
19 cilities and that no chancery facilities in Berlin, Germany,
20 shall be occupied or used (and no funds shall be used to
21 occupy employ, or carry out activities in chancery facilities
22 in Berlin, Germany) unless prior to or simultaneous with
23 such occupancy and use, the United States shall have
24 opened permanent or temporary chancery facilities in Je-
25 rusalem, Israel.

1 **SEC. 5. DEFINITION.**

2 As used in this Act, the term “chancery facilities”
3 means the principal offices of the United States embassy
4 and diplomatic mission.

