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NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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JERUSALEM EMBASSY ACT

SENATE PASSES BIPARTISAN, HISTORIC BILL TO RELOCATE U.S. EMBASSY TO JERUSALEM BY 1999

This is a historic day for the United States 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. Four additional Senators sponsored the legislation after it was introduced.

It modifies S. 770 introduced last may by deleting the requirement stating that ground breaking must begin 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's the bottom line. Last night a substitute amendment was adopted and four more co-sponsors have joined this effort.

Support Process of Building Middle East Peace

I want 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 -- it is about recognizing Israel's capital. Israel's capital is not on the table in the peace process, and moving the U.S. Embassy to Jerusalem does nothing to prejudice the outcome of any future negotiations.

Years ago, I expressed some concern about the impact of Jerusalem 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. 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 five months since this legislation was introduced, there was not one single overture from the Clinton administration. There were veto threats and legal arguments, but no effort to even discuss our differences. Despite the administration's refusal to talk, the sponsors of the legislation remained willing to address concerns about the bill.

Bottom Line: Relocation of Embassy to Jerusalem by May 1999

While leaving the bottom line intact, we dropped the provision which generated the most immediate controversy -- the requirement for a 1996 ground breaking for new embassy construction. Last Friday, I spent hours in my office with Senators Feinstein, Lieberman, Lautenberg, Kyl, Mack and Inouye, trying to reach some accommodation with the administration and their concerns.

Later on Friday, we met with Dennis Ross, who has served three presidents on Middle East issues, and who is the lead U.S. official involved in the current negotiations. Yesterday morning, Senators Feinstein and Lautenberg proposed 10 changes in the legislation. After discussions with the lead co-sponsors, we accepted eight of the proposals without change, accepted one more with a modification. Only one was rejected. Most of these changes were minor; many of these changed the term "relocate" to "establish."

(more)

Eight and one-half out of ten shows that we are being flexible. Sixty eight Senate co-sponsors shows we have the support of our colleagues.

National Security Interest Waiver

I had no doubt we could move this legislation forward without any additional changes. The House is scheduled to take up Jerusalem Embassy legislation later today. 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 - including we hope, even 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.

Recognize Sovereignty of Israel in Jerusalem

Jerusalem has been central to Jewish nationhood for 3,000 years. By relocating our embassy to Jerusalem, we would end our anomalous policy of refusing to recognize Israel's sovereignty in its own capital. This legislation is more than a statement. It is a binding requirement for the U.S. Embassy in Israel to finally move to where it belongs -- the capital of Jerusalem.

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."

I would like to quote another Israeli official -- Teddy Kollek who was Mayor of Jerusalem for nearly three decades. Last summer he wrote, "the Dole/Inouye legislation, which is cosponsored by a majority of the U.S. Senate, will be put to a vote. It must be enacted by an overwhelmingly majority. Failure to do so will send a wrong message to the Arab states. It is imperative to establish now the U.S. conviction that realistic negotiations be premised on the principle that Jerusalem is the capital of Israel, and must remain united."

As I said when introducing this legislation, the time has come to move beyond letters, expressions of support and sense of the Congress resolutions. The time has come to enact legislation that will get the job done. This legislation uses the Congressional power of the purse by fencing 50% of fiscal year 1999 funds appropriated for the State Department's "acquisition and maintenance of buildings abroad" until our Embassy is opened in Jerusalem.

Constitutionality of Legislation

I would like to again try to clear up controversy over the constitutionality of this proposed legislation. On October 13, I inserted in the record an article by Malvina Halberisam which supports the constitutionality of the proposed legislation. Today, I am inserting another document, this one prepared by the firm of Shaw, Pittman, Potts & Trowbridge. This detailed legal analysis further supports the constitutionality of the Jerusalem Relocation Act. Although written for the earlier version, S. 770, the analysis is equally valid for S. 1322.

We have a very sound piece of legislation before us today. I would particularly like to thank the lead sponsors -- Senator Moynihan, Senator Kyl, and Senator Inouye. In addition, Senator Lieberman was critical in various stages of our deliberations. I am pleased Senator Feinstein and Senator Lautenberg agreed to co-sponsor the legislation after the substitute amendment was adopted last night. I look forward to a unanimous or near-unanimous vote today in the Senate, and a similar vote in the House later today.

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* Remarks delivered on Senate floor, at approximately 11:20 a.m.