

106TH CONGRESS  
1ST SESSION

# H. R. 62

To provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. BARR of Georgia introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect.

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 “United States Federal  
5 Government Preservation Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Article II, section 2, clause 2 of the Con-  
9 stitution of the United States provides that “He [the

1 President] shall have Power, by and with the Advice  
2 and Consent of the Senate, to make Treaties, pro-  
3 vided two thirds of the Senators present concur;”.

4 (2) The International Covenant on Civil and  
5 Political Rights (ICCPR), the Convention Against  
6 Torture and Other Cruel, Inhuman or Degrading  
7 Treatment or Punishment (CAT), the Convention on  
8 the Elimination of All Forms of Racial Discrimina-  
9 tion (CERD), and other relevant treaties concerned  
10 with the protection and promotion of human rights,  
11 are treaties with respect to which the Senate has not  
12 given its advice and consent to ratification.

13 (3) On December 10, 1998, President Clinton  
14 circumvented the intention of the Framers of the  
15 Constitution by issuing Executive Order 13107 (63  
16 Fed. Reg. 68991 (December 15, 1998)) which states  
17 in part “[i]t shall be the policy and practice of the  
18 Government of the United States, being committed  
19 to the protection and promotion of human rights  
20 and fundamental freedoms, fully to respect and im-  
21 plement its obligations under international human  
22 rights treaties to which it is a party, including the  
23 ICCPR, the CAT, and the CERD.”.

24 (4) Executive Order 13107 also states that  
25 “[a]ll executive departments and agencies . . . shall

1 maintain a current awareness of United States inter-  
2 national human rights obligations that are relevant  
3 to their functions and shall perform such functions  
4 so as to respect and implement those obligations  
5 fully. The head of each agency shall designate a sin-  
6 gle contact officer who will be responsible for overall  
7 coordination of the implementation of this order.”.

8 (5) Executive Order 13107 also establishes an  
9 Interagency Working Group in Human Rights Trea-  
10 ties for the “purpose of providing guidance, over-  
11 sight, and coordination with respect to questions  
12 concerning the adherence to and implementation of  
13 human rights obligations and related matters.”.

14 **SEC. 3. NULLIFICATION OF EXECUTIVE ORDER 13107.**

15 The provisions of Executive Order 13107 (63 Fed.  
16 Reg. 68991 (December 15, 1998); relating to the imple-  
17 mentation of certain human rights treaties) shall not have  
18 any legal effect.

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