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RULES COMMITTEE PRINT 118-44

TEXT OF H.R. 1425, NO WHO PANDEMIC PREPAREDNESS TREATY WITHOUT SENATE APPROVAL ACT

[Showing the text of H.R. 1425 as ordered reported by the Committee on Foreign Affairs]

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “No WHO Pandemic
3 Preparedness Treaty Without Senate Approval Act”.

4 SEC. 2. FINDINGS.

5 Congress makes the following findings:

6 (1) On May 18, 2020, President Donald Trump
7 sent a letter to World Health Organization (referred
8 to in this Act as “WHO”) Director-General Tedros
9 Adhanom Ghebreyesus (referred to in this Act as the
10 “Director-General”), announcing that—

11 (A) United States contributions to WHO
12 would be halted due its mismanagement of the
13 COVID-19 outbreak and its lack of independ-
14 ence from the People’s Republic of China; and

15 (B) the United States would withdraw
16 from WHO if it did not commit to substantive
17 improvements within 30 days.

4 (A) unjustified delays informing member
5 states about a potentially serious disease out-
6 break in Wuhan, China; and

18 (4) A Pew Research Center survey conducted in
19 April and May 2020 indicated that 51 percent of
20 Americans felt that WHO had done a poor or fair
21 job in managing the COVID-19 pandemic.

22 (5) On January 20, 2021, President Joseph
23 Biden sent United Nations Director-General António
24 Guterres a letter retracting the United States notice
25 of withdrawal from WHO.

4 (A) to establish an intergovernmental ne-
5 gotiating body (referred to in this section as the
6 “INB”) to draft and negotiate a WHO conven-
7 tion (referred to in this section as the “Conven-
8 tion”), agreement, or other international instru-
9 ment on pandemic prevention, preparedness,
10 and response, with a view to adoption under Ar-
11 ticle 19 or any other provision of the WHO
12 Constitution; and

13 (B) that the INB shall submit a progress
14 report to the Seventy-sixth WHA and a working
15 draft of the convention for consideration by the
16 Seventy-seventh WHA, which is scheduled to
17 take place beginning on March 18, 2024.

23 (A) Building national, regional, and global
24 capacities based on a whole-of-government and
25 whole-of-society approach.

1 (B) Establishing global access and benefit
2 sharing for all pathogens, and determining a
3 global policy for the equitable production and
4 distribution of countermeasures.

5 (C) Establishing robust systems and tools
6 for pandemic preparedness and response.

11 (E) Empowering WHO to fulfill its man-
12 date as the directing and coordinating authority
13 on international health work, including for pan-
14 demic preparedness and response.

15 (8) On July 18 through 22, 2022, the INB held
16 its second meeting at which it agreed that the Con-
17 vention would be adopted under Article 19 of the
18 WHO Constitution and legally binding on the par-
19 ties.

20 (9) On December 5 through 7, 2022, the INB
21 held its third meeting at which it accepted a concep-
22 tual zero draft of the Convention and agreed to pre-
23 pare a zero draft for consideration at the INB's next
24 meeting.

(10) In early January 2023, an initial draft of the Convention was sent to WHO member states in advance of its formal introduction at the fourth meeting of the INB, which is scheduled for February 27 through March 3, 2023. The draft includes broad and binding provisions, including rules governing parties' access to pathogen genomic sequences and how the products or benefits of such access are to be distributed.

(11) Section 723.3 of title 11 of the Department of State's Foreign Affairs Manual states that when "determining whether any international agreement should be brought into force as a treaty or as an international agreement other than a treaty, the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole" and includes the following criteria to be considered when determining whether an international agreement should take the form of a treaty or an executive agreement:

22 (A) “The extent to which the agreement
23 involves commitments or risks affecting the na-
24 tion as a whole”.

3 (C) “Whether the agreement can be given
4 effect without the enactment of subsequent leg-
5 islation by the Congress”.

6 (D) "Past U.S. practice as to similar
7 agreements".

10 (F) “The degree of formality desired for
11 an agreement”.

12 (G) “The proposed duration of the agree-
13 ment, the need for prompt conclusion of an
14 agreement, and the desirability of concluding a
15 routine or short-term agreement”.

16 (H) “The general international practice as
17 to similar agreements”.

18 SEC. 3. SENSE OF CONGRESS.

19 It is the sense of Congress that—

20 (1) a significant segment of the American pub-
21 lic is deeply skeptical of the World Health Organiza-
22 tion, its leadership, and its independence from the
23 pernicious political influence of certain member
24 states, including the People's Republic of China;

12 (4) given the level of public distrust, any rel-
13 evant new agreement by the World Health Assembly
14 which cannot garner the two-thirds vote needed for
15 Senate ratification should not be agreed to or imple-
16 mented by the United States.

17 SEC. 4. ANY WORLD HEALTH AGENCY CONVENTION OR
18 AGREEMENT OR OTHER INTERNATIONAL IN-
19 STRUMENT RESULTING FROM THE INTER-
20 NATIONAL NEGOTIATING BODY'S FINAL RE-
21 PORT DEEMED TO BE A TREATY SUBJECT TO
22 ADVICE AND CONSENT OF THE SENATE.

23 Notwithstanding any other provision of law, any con-
24 vention, agreement, or other international instrument on
25 pandemic prevention, preparedness, and response reached

1 by the World Health Assembly pursuant to the rec-
2 ommendations, report, or work of the International Nego-
3 tiating Body established by the second special session of
4 the World Health Assembly is deemed to be a treaty that
5 is subject to the requirements of article II, section 2,
6 clause 2 of the Constitution of the United States, which
7 requires the advice and consent of the Senate, with two-
8 thirds of Senators concurring.

