

116TH CONGRESS
2D SESSION

S. 4240

To prohibit the use of funds to withdraw the United States from the World Health Organization.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. COONS (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To prohibit the use of funds to withdraw the United States from the World Health Organization.

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 “No WHO Withdrawal
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In 1948, the United States became a state
9 party to the Constitution of the World Health Orga-
10 nization, done at New York July 22, 1946, and en-

1 tered into force April 7, 1948 (62 Stat. 2679; TIAS
2 1808), a multilateral treaty to which the United
3 States was an original signatory and the terms of
4 which the United States helped draft.

5 (2) Pursuant to Article 4 of the Constitution of
6 the World Health Organization, the United States
7 accepted that Constitution's terms in accordance
8 with the provisions of that Constitution and in ac-
9 cordance with the constitutional processes of the
10 United States.

11 (3) The Constitution of the World Health Orga-
12 nization lacks an explicit withdrawal provision.

13 (4) Congress passed the joint resolution entitled
14 "Joint Resolution providing for membership and
15 participation by the United States in the World
16 Health Organization and authorizing an appropria-
17 tion therefor.", approved June 14, 1948 (62 Stat.
18 441, chapter 469), authorizing the President to ac-
19 cept United States membership in the World Health
20 Organization and specifying that the United States
21 could withdraw from the Organization upon the sat-
22 isfaction of the following two conditions:

23 (A) The United States would provide no-
24 tice one year before withdrawing.

1 (B) The United States would continue to
2 meet its financial obligations to the World
3 Health Organization for the Organization's cur-
4 rent fiscal year.

5 (5) That joint resolution authorized an annual
6 appropriation to the Department of State for the
7 payment by the United States of its share of the ex-
8 penses of the World Health Organization, and in
9 doing so, Congress exercised both its constitutional
10 power of the purse and its power to approve inter-
11 national agreements.

12 (6) President Harry Truman's statement of the
13 acceptance of the United States of the Constitution
14 of the World Health Organization expressly acknowl-
15 edged that he was "acting pursuant to the authority
16 granted by the joint resolution . . . and subject to
17 the provisions of that joint resolution" (62 Stat.
18 2792).

19 (7) On July 2, 1948, the World Health Assem-
20 bly unanimously recognized the validity of the ratifi-
21 cation of the Constitution of the World Health Orga-
22 nization by the United States.

23 (8) The World Health Organization plays an es-
24 sential role in the global governance of health and
25 infectious disease, including through setting norms

1 and sharing information, facilitating international
2 coordination, providing technical support, and moni-
3 toring health trends around the world.

4 (9) The United States was the World Health
5 Organization’s largest donor in 2018 and 2019, pro-
6 viding \$893,000,000, or about 15 percent, of the Or-
7 ganization’s budget.

8 (10) On January 30, 2020, the World Health
9 Organization declared the coronavirus disease 2019
10 (commonly known as “COVID–19”) outbreak a pub-
11 lic health emergency of international concern.

12 (11) The World Health Organization is working
13 to help countries manage and respond to COVID–19
14 and a multitude of other public health threats, in-
15 cluding by improving preparedness and response ca-
16 pacity, accelerating research and development for
17 treatment and therapeutics, distributing essential
18 supplies, and coordinating across regions to assess,
19 respond, and mitigate risk.

20 (12) On April 14, 2020, in the midst of the
21 deadliest global pandemic in decades, President
22 Donald J. Trump announced the suspension of
23 United States funding to the World Health Organi-
24 zation pending a review into the Organization’s re-
25 sponse to the spread of COVID–19.

1 (13) On July 6, 2020, President Trump sent a
2 formal notice to Congress and the World Health Or-
3 ganization that the United States will withdraw
4 from the Organization after 72 years of membership,
5 despite the Organization’s vital role in the global re-
6 sponse to the COVID–19 pandemic.

7 (14) The United States may not legally with-
8 draw from the World Health Organization Constitu-
9 tion until, at the earliest, July 6, 2021, one year
10 after the date of the formal withdrawal notice, and
11 the United States would still be legally obligated to
12 pay the balance of its financial obligations to the
13 World Health Organization.

14 **SEC. 3. STATEMENT OF POLICY.**

15 It is the policy of the United States—

16 (1) to remain a member in good standing of the
17 World Health Organization, including by payment of
18 the financial obligations of the United States to the
19 Organization;

20 (2) to reject any efforts to withdraw the United
21 States from the World Health Organization, either
22 directly, or indirectly through condemnation of the
23 Organization; and

1 (3) to continue to work within the World
 2 Health Organization to reform and improve the Or-
 3 ganization.

4 **SEC. 4. PROHIBITION ON THE USE OF FUNDS TO WITH-**
 5 **DRAW FROM THE WORLD HEALTH ORGANIZA-**
 6 **TION.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
 8 sion of law, no funds described in subsection (b) may be
 9 obligated or expended to take any action to withdraw the
 10 United States from the World Health Organization.

11 (b) FUNDS DESCRIBED.—The funds described in this
 12 subsection are funds—

13 (1) authorized to be appropriated or otherwise
 14 made available for fiscal year 2021 or any fiscal year
 15 thereafter; or

16 (2) authorized to be appropriated or otherwise
 17 made available for any fiscal year before fiscal year
 18 2021 and available for obligation as of the date of
 19 the enactment of this Act.

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