



117TH CONGRESS  
2D SESSION

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To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

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IN THE SENATE OF THE UNITED STATES

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Mr. JOHNSON (for himself, Mr. BARRASSO, Mr. BRAUN, Mr. COTTON, Mr. CRUZ, Mr. GRASSLEY, Mr. HAGERTY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. LEE, Mr. MARSHALL, Mr. RUBIO, Mr. SCOTT of Florida, Mr. TUBERVILLE, \_\_\_\_\_ ) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

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 Pandemic  
5 Preparedness Treaty Without Senate Approval Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

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

12 (B) the United States would withdraw  
13 from WHO if it did not commit to substantive  
14 improvements within 30 days.

15 (2) President Trump’s May 18 letter cited nu-  
16 merous instances of WHO mismanagement of the  
17 COVID–19 pandemic, including—

18 (A) unjustified delays informing member  
19 states about a potentially serious disease out-  
20 break in Wuhan, China; and

21 (B) repeated grossly inaccurate or mis-  
22 leading claims about the transmissibility of the  
23 virus and about the Government of China’s  
24 handling of the outbreak.

25 (3) On June 30, 2020, Secretary of State Mike  
26 Pompeo formally notified the United Nations of the

1 United States’ decision to withdraw from WHO,  
2 which would have taken effect on July 6, 2021,  
3 under the terms of a joint resolution adopted by  
4 Congress on June 14, 1948 (Public Law 80–643; 62  
5 Stat. 441).

6 (4) A Pew Research Center survey conducted in  
7 April and May 2020 indicated that 51 percent of  
8 Americans felt that WHO had done a poor or fair  
9 job in managing the COVID–19 pandemic.

10 (5) On January 20, 2021, President Joseph  
11 Biden sent United Nations Director-General António  
12 Guterres a letter retracting the United States’ notice  
13 of withdrawal from WHO.

14 (6) On December 1, 2021, at the second special  
15 session of the World Health Assembly (referred to in  
16 this Act as the “WHA”) decided—

17 (A) “to establish . . . an intergovernmental  
18 negotiating body . . . (the ‘INB’) to draft and  
19 negotiate a WHO convention, agreement or  
20 other international instrument on pandemic  
21 prevention, preparedness and response, with a  
22 view to adoption under Article 19, or under  
23 other provisions of the WHO Constitution . . .  
24 .”; and

1 (B) that the INB shall submit a progress  
2 report to the Seventy-sixth WHA and a working  
3 draft of the convention for consideration by the  
4 Seventy-seventh WHA, which is scheduled to  
5 take place beginning on March 18, 2024.

6 (7) On February 24 and March 14 and 15,  
7 2022, the INB held its inaugural meeting at which  
8 the Director-General proposed the following 5  
9 themes to guide the INB's work in drafting the Con-  
10 vention:

11 (A) Building national, regional and global  
12 capacities based on a whole-of-government and  
13 whole-of-society approach.

14 (B) Establishing global access and benefit  
15 sharing for all pathogens, and determining a  
16 global policy for the equitable production and  
17 distribution of countermeasures.

18 (C) Establishing robust systems and tools  
19 for pandemic preparedness and response.

20 (D) Establishing a long-term plan for sus-  
21 tainable financing to ensure support for global  
22 health threat management and response sys-  
23 tems.

24 (E) Empowering WHO to fulfil its man-  
25 date as the directing and coordinating authority

1           on international health work, including for pan-  
2           demic preparedness and response.

3           (8) Section 723.3 of title 11 of the Department  
4           of State's Foreign Affairs Manual states that when  
5           "determining whether any international agreement  
6           should be brought into force as a treaty or as an  
7           international agreement other than a treaty, the ut-  
8           most care is to be exercised to avoid any invasion or  
9           compromise of the constitutional powers of the  
10          President, the Senate, and the Congress as a whole"  
11          and includes the following criteria to be considered  
12          when determining whether an international agree-  
13          ment should take the form of a treaty or an execu-  
14          tive agreement:

15                 (A) "The extent to which the agreement  
16                 involves commitments or risks affecting the na-  
17                 tion as a whole".

18                 (B) "Whether the agreement is intended to  
19                 affect state laws".

20                 (C) "Whether the agreement can be given  
21                 effect without the enactment of subsequent leg-  
22                 islation by the Congress".

23                 (D) "Past U.S. practice as to similar  
24                 agreements".

1 (E) “The preference of the Congress as to  
2 a particular type of agreement”.

3 (F) “The degree of formality desired for  
4 an agreement”.

5 (G) “The proposed duration of the agree-  
6 ment, the need for prompt conclusion of an  
7 agreement, and the desirability of concluding a  
8 routine or short-term agreement”.

9 (H) “The general international practice as  
10 to similar agreements”.

11 **SEC. 3. SENSE OF THE SENATE.**

12 It is the sense of the Senate that—

13 (1) a significant segment of the American pub-  
14 lic is deeply skeptical of the World Health Organiza-  
15 tion, its leadership, and its independence from the  
16 pernicious political influence of certain member  
17 states, including the People’s Republic of China;

18 (2) the Senate strongly prefers that any agree-  
19 ment related to pandemic prevention, preparedness,  
20 and response adopted by the World Health Assembly  
21 pursuant to the work of the INB be considered a  
22 treaty requiring the advice and consent of the Sen-  
23 ate, with two-thirds of Senators concurring;

24 (3) the scope of the agreement which the INB  
25 has been tasked with drafting, as outlined by the Di-

1 rector-General, is so broad that any application of  
2 the factors referred to in section 2(8) will weigh  
3 strongly in favor of it being considered a treaty; and

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

9 **SEC. 4. ANY WORLD HEALTH AGENCY CONVENTION OR**  
10 **AGREEMENT OR OTHER INTERNATIONAL IN-**  
11 **STRUMENT RESULTING FROM THE INTER-**  
12 **NATIONAL NEGOTIATING BODY'S FINAL RE-**  
13 **PORT DEEMED TO BE A TREATY SUBJECT TO**  
14 **ADVICE AND CONSENT OF THE SENATE.**

15 Notwithstanding any other provision of law, any con-  
16 vention, agreement, or other international instrument on  
17 pandemic prevention, preparedness, and response reached  
18 by the World Health Assembly pursuant to the rec-  
19 ommendations, report, or work of the International Nego-  
20 tiating Body established by the second special session of  
21 the World Health Assembly is deemed to be a treaty that  
22 is subject to the requirements of article II, section 2,  
23 clause 2 of the Constitution of the United States, which  
24 requires the advice and consent of the Senate, with two-  
25 thirds of Senators concurring.