

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The scapegoating of Asian and Iranian Americans for our nation's problems has long been part of U.S. history—and history has shown us that heightened xenophobia creates a cycle which leads to violence. Since the 19th century, Asian Americans have been unjustly targeted through the Chinese Exclusion Act of 1882, the “Yellow Peril” era lynchings of Chinese immigrants, exclusionary alien land laws, the incarceration of 120,000 innocent Japanese Americans during World War II, the murder of Vincent Chin, the mass surveillance of Muslim, Middle Eastern, Arab, Sikh, and South Asian communities in the aftermath of 9/11, and the racial profiling of Chinese American scientists under the China Initiative.

(2) Today, nearly half (49%) of Asian Americans and Pacific Islanders nationwide have experienced discrimination or unfair treatment that may be illegal.

(3) Since March 2020, over 11,500 anti-Asian hate crimes and incidents have been reported to Stop AAPI Hate.

(4) 58% of Asian American adults say they have experienced racial discrimination or been treated unfairly because of their race or ethnicity.

(5) 78% of Asian adults have been treated as a foreigner in some way, even if they are U.S. born.

(6) A majority of Iranian Americans say that they or someone they are close to has experienced discrimination.

(7) Six in 10 Iranian Americans are concerned about increasing discrimination against and the personal safety of Iranian Americans.

(8) It has been widely reported that implementation of laws restricting or prohibiting foreign persons from China, Russia, North Korea, and Iran, including refugees and green card holders, from purchasing property and land in 22 States across the country have contributed to racial profiling, xenophobia and discrimination lawsuits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that racial profiling and xenophobia have no place in America, that hate crimes against the Iranian American, Asian American, and Pacific Islander communities have increased, and that Congress should not pass laws that codify or perpetuate discrimination.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUCAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore (Mr. TIFFANY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1316

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIFFANY) at 1 o'clock and 16 minutes p.m.

NO WHO PANDEMIC PREPAREDNESS TREATY WITHOUT SENATE APPROVAL ACT**GENERAL LEAVE**

Mr. DAVIDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1425.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 1430 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1425.

The Chair appoints the gentleman from New Jersey (Mr. VAN DREW) to preside over the Committee of the Whole.

□ 1317

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1425) 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, with Mr. VAN DREW in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs or their respective designees.

The gentleman from Ohio (Mr. DAVIDSON) and the gentleman from New York (Mr. MEEKS) each will control 30 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1425, Congressman TOM TIFFANY's No World Health Organization Pandemic Preparedness Treaty Without Senate Approval Act.

This bill ensures that the Biden-Harris administration does not circumvent Congress, and it requires that any international instrument on pandemic prevention, preparedness, and response as agreed to by the World Health Assembly must be considered by the Senate as a treaty.

When it comes to imposing binding international obligations on Ameri-

cans, the executive branch cannot go it alone. In our Constitution, in our republican system of government, the people's elected Representatives in Congress must give their approval.

An international treaty that cannot command the support of two-thirds of the Senate is not actually a treaty. While one administration may submit to it, it certainly does not bind our Nation or future administrations.

This proposed World Health Organization Pandemic Agreement is no exception. In fact, that potentially expansive agreement especially needs proper review and debate by the American people's elected Representatives.

Article 19 of the WHO Constitution states that such agreements must be submitted to each member state for review “in accordance with its constitutional processes.” Our constitutional process requires ratification by the Senate for something to be considered a treaty before it may come into force.

Likewise, during the World Health Assembly in May, the World Health Organization Director-General promised that any agreement “will go to parliaments for consideration and ratification.” We don't have a parliament. In our body, it would go to the Senate.

It isn't being sent there by the Biden-Harris administration. Why does the administration not want this to go to the Senate? That is an important question to ask. They certainly have not kept the drafting and negotiations transparent or accountable to the American people.

Now that negotiations are supposed to conclude by early 2025, there remains a distinct possibility that the World Health Assembly will try to call an emergency vote on a final draft treaty before a new U.S. administration takes office.

Far too little attention has been paid to what this treaty would mean for health policy in the United States and elsewhere. The latest draft is limitless in scope and contains overly broad language that can be read to support abortion and radical left ideology. It claims to impose undefined financial obligations. It grants more authority to the WHO, potentially infringing on our sovereignty. It threatens both intellectual property and free speech rights. It provides zero accountability for China.

The pandemic treaty would give more U.S. taxpayer dollars to the WHO bureaucrats to manage, even though the U.S. has already spent billions on pandemic preparedness. In total, the U.S. has spent around \$2.2 billion toward global health security which, along with the Pandemic Fund donations, goes toward strengthening global health systems, supply chains, healthcare workforces, and international laboratories.

In addition, the International Health Regulations have been in place since 2005 as a mechanism to address infectious disease outbreaks around the world. They were just updated this past May to include a new financial mechanism. Why do we need yet another

funding stream of U.S. dollars for pandemics?

What is also concerning is how the treaty is being used as a vehicle to promote and implement a radical left ideology. If this treaty were truly a model for promoting global health security, then the World Health Organization would keep it clean of divisive and controversial items, not just for Americans' interests but for interests around the world in keeping with the humanitarian principle of neutrality.

Americans remember and are still recovering from the devastations of COVID-19. Many lives and livelihoods were lost, and we can certainly and should prepare for future pandemics. However, Americans also remember the WHO's egregious mishandling of COVID-19. World Health Organization Director-General Tedros enabled the Chinese Communist Party's grand COVID-19 coverup in the winter of 2020 by parroting the Chinese Communist Party's lies such as that the virus did not spread via human-to-human transmission that contributed directly to death and disruption around the world.

Despite that colossal failure, the World Health Organization still has not addressed China's involvement in the pandemic's creation or spread and have not conducted internal reforms necessary to address its own role in the mismanagement of that pandemic. Instead, WHO is asking for more money, more authority, more legitimacy, and less accountability. The Biden-Harris administration is supporting their efforts to do so.

Thankfully, H.R. 1425 ensures that the American people, through their elected Senators, will have the opportunity to review any pandemic treaty, especially the sweeping grant of power and money to the World Health Organization.

Mr. Chair, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. MEEKS. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I stand in opposition to H.R. 1425. We can't forget the dark times that COVID-19 brought to our communities across the United States and around the entire world. The pandemic resulted in a tragic loss of lives. More than 1.2 million Americans and more than 7 million people around the world died. The next pandemic is not a matter of if, it is a matter of when.

During the response to COVID-19, we saw inequities, inequalities, and unfairness across the international system—vaccine manufacturing capabilities benefiting wealthy nations and vaccine access being denied to less wealthy nations who were forced to wait in line and, in some cases, punished for sharing COVID samples with CDC labs and other global health institutions that helped improve the efficacy of U.S.-produced vaccines.

The American people understand that the United States' leadership is critical to addressing the world's most

pressing challenges. A key way to do this is through multilateral institutions, including the World Health Organization. Working multilaterally is critical to strengthening our national security and to securing our public health systems.

Don't just take my word for it. In a nationwide poll conducted at the height of the pandemic, it was found that 82 percent of American voters supported the United Nations' role in helping to stop the spread of COVID-19 overseas. That included 98 percent of Democrats and 69 percent of Republicans.

The pandemic accord aims to strengthen global pandemic prevention, preparedness, and response. The United States is a linchpin in ensuring a pandemic accord not only serves our global health security interests but also helps coordinate a global response to public health threats that don't see our borders.

H.R. 1425 is a sadly, nakedly partisan attempt to subvert U.S. diplomatic efforts to reach a pandemic accord agreement alongside 194 World Health Organization member states. The draft pandemic agreement strengthens the global workforce, improves distribution of medical countermeasures, and provides funding for WHO members to improve their response capacity. We must not miss this opportunity to improve global health systems response capacity, including to prevent the tragic loss of life in the United States of America and globally.

Only by learning from our mistakes made during the global response to the COVID-19 pandemic, this agreement could be a watershed moment in advancing global health security. We must support the ongoing pandemic agreement negotiations, as it could prove essential to saving American lives. Unfortunately, this bill only serves to undermine diplomatic efforts seeking to strengthen global health security.

House Foreign Affairs Committee Democrats unanimously opposed this measure at markup, and we made clear when this bill was marked up by our committee in July, the President has the authority of acceding to an agreement through executive action.

□ 1330

Executive action does not require the advice and consent of the Senate. The vast majority, 90 percent, of all U.S. international legal agreements are approved via executive action rather than formal approval by the Senate.

The draft pandemic agreement under negotiation is not a treaty. If it were, I would be standing in support of H.R. 1425.

While framed as an effort to increase congressional oversight, this bill really is a part of Republicans' politicization of COVID response and antiscentence-based policy. It puts the safety and national security of Americans in jeopardy, simply because they don't like

the WHO, or any multilateral institutions for that matter, under their isolationist—they like to isolate themselves from everything and everyone. It is the MAGA platform.

If the U.S. is not allowed to sit at the table or our negotiating leverage is weakened by this bill, our adversaries and those who do not have our best interests in mind, guess what, they will be the ones to fill the void.

The Biden-Harris administration has made a good-faith effort to notify Congress of its planned actions regarding U.S. negotiations, and these efforts have been met with unanimous opposition from Senate and House Republicans who have voiced their opposition to any agreement no matter what its contents are.

One of the misleading claims made by critics of the draft pandemic agreement includes the idea that it would subvert U.S. sovereignty. Yet, in fact, the draft pandemic agreement explicitly states that it does not give the WHO any power to dictate specific policy to member nations and that member states may implement policies according to their sovereign laws. Simply put, the draft pandemic agreement expressly affirms the sovereignty of nations to address public health matters.

False claims that the agreement would undermine our sovereignty have been thoroughly debunked by multiple reputable sources. The Biden-Harris administration has made it clear that they will not support any agreement harmful to U.S. interests, including our sovereignty.

Securing the pandemic agreement would be essential to saving not just American lives but many lives around the world. This bill undermines diplomatic efforts seeking to strengthen global health security, and I, alongside all House Foreign Affairs Committee Democrats, unanimously oppose this measure.

Mr. Chair, I reserve the balance of my time.

Mr. DAVIDSON. Mr. Chair, I yield 4 minutes to the gentleman from Wisconsin (Mr. TIFFANY), the author of this very important bill.

Mr. TIFFANY. Mr. Chair, I thank the gentleman from Ohio for his leadership.

Mr. Chair, who do you want in charge of a pandemic policy in the United States? Do you want the corrupt globalists at the World Health Organization in charge of it, or do you want the United States of America to be at the wheel of our pandemic policy?

The answer is simple.

The World Health Organization has proven time and time again that they cannot be trusted to carry out an effective pandemic response.

In 2019, they ignored Taiwan's early warning about the COVID-19 outbreak, then they parroted the lies of the Chinese Communist Party that there was no human-to-human transmission.

Now, the Biden-Harris administration is seeking to reward them with our pandemic management.

The pandemic treaty draft includes no accountability or improved transparency measures for the CCP in its role in covering up the origins of the COVID-19 pandemic.

It focuses on mandated resource and technology transfers and shreds intellectual property rights. It also contains certain provisions that may police our First Amendment rights.

Lastly, it does not protect the sovereignty of the United States of America. This legislation is a no-brainer for anyone who stands for transparency and America's sovereignty.

It would require any convention or agreement resulting from the work of the World Health Organization's intergovernmental negotiating body to be deemed a treaty, thus requiring the advice and consent of two-thirds of the Senate.

Given the vast reach of this so-called pandemic treaty, don't we want Congress to have oversight of it?

I encourage all my colleagues to support this bill, but more importantly, I urge all my colleagues to choose American sovereignty because that is really what is at stake today.

I would also say, Mr. Chair, I am hearing from the other side, from the gentleman from New York, it sounds like he has a draft of the treaty. If he does, we would like to see it because we have not received a final draft of the treaty, and that is part of the impetus for this bill.

If we are going to have transparency and accountability for the American people, which we should certainly have, then we need to see the document. Produce the document, allow us to be able to review it, and have the United States Senate, a body of the people of the United States of America, be able to ratify this very important agreement that may have far-reaching impacts on the American people.

Mr. DAVIDSON. Mr. Chair, the ranking member highlights that the World Health Organization somehow gives a head nod to sovereignty. It is true that in their most recent public draft they mention sovereignty, but only to the extent that they agree that it is in their interest. So somehow they take a position where they are going to judge whether it really conforms or not. That should be alarming, and it should persuade my colleagues to not vote on party lines, but instead, to unite in support of this good bill.

Mr. Chair, I reserve the balance of my time.

Mr. MEEKS. Mr. Chair, I reserve the balance of my time.

Mr. DAVIDSON. Mr. Chair, I yield 3 minutes to the gentleman from Texas (Mr. SELF), a member of the Committee on Foreign Affairs and a cosponsor of this bill.

Mr. SELF. Mr. Chair, my constituents in Texas did not elect a single member of the World Health Organization to represent them.

This globalist cabal known as the WHO capitalized on the CCP bioweapon

which we now call COVID-19 and pushed its tyrannical policies across the world.

As my colleague across the aisle said, these were dark days under tyranny.

Leftwing globalists surrendered American sovereignty and gave control to the WHO during the public health emergency. These power-hungry bureaucrats shut down our entire country and infringed upon the constitutional rights of Americans.

The Biden-Harris administration cannot circumvent the treaty process defined by the Constitution. Any agreement with the WHO on international pandemic prevention, preparedness, and response must be considered by the Senate as a treaty.

There are definite criteria that determine what constitutes a treaty. I recommend my colleagues across the aisle read those criteria.

Our lawless President and his lawless administration should execute the law. Our Founders of the Constitution wisely included a requirement for the United States to agree to any international treaty a Senate supermajority would be required.

Americans don't support empowering unelected bureaucrats at the WHO who don't hold American values.

H.R. 1425 reaffirms Americans' voices through their elected Senators. There can be no WHO pandemic treaty without Senate approval.

The CHAIR. Members are reminded to refrain from engaging in personalities toward the President of the United States.

Mr. MEEKS. Mr. Chair, I yield myself such time as I may consume.

The gentleman indicated that he had not seen or known of the draft. I would refer him to the WHO's website. There is plenty of information. Just go to the website.

On the website, Article 24, Paragraph 3 of the draft agreement—I am reading from it now—goes on to say that: "Nothing in the WHO pandemic agreement shall be interpreted as providing the WHO Secretariat, including the WHO Director-General, any authority to direct, order, alter or otherwise prescribe the domestic laws or policies of any party, or to mandate or otherwise impose any requirements that parties take specific actions, such as ban or accept travelers, impose vaccination mandates or therapeutic or diagnostic measures, or implement lockdowns."

It is clear, concise, and available.

Furthermore, I understand that the Biden administration has issued a statement of policy on this bill strongly opposing it.

I include in the RECORD that statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1425—NO WHO PANDEMIC PREPAREDNESS TREATY WITHOUT SENATE APPROVAL ACT—REP. TIFFANY, R-WI, AND 59 COSPONSORS

Pandemic preparedness was a day one priority for the Biden-Harris Administration. Under this Administration's leadership, the United States has coordinated global efforts

to end the acute phase of the COVID-19 pandemic and ensure the international community is better prepared to respond to the next pandemic.

The Administration strongly opposes H.R. 1425, which provides that any international instrument on pandemic prevention, preparedness, and response reached by World Health Organization (WHO) member states pursuant to the recommendations, report, or work of the International Negotiating Body (INB) established by the second special session of the World Health Assembly "is deemed to be a treaty" and require the advice and consent of the Senate. Presidents have historically taken a variety of approaches to making and carrying out international agreements, and this bill would improperly purport to constrain the President's authority to do so in furthering the important work of achieving advancements, with the international community, to prevent, prepare for, and respond to pandemics. If enacted, this bill would undermine efforts by this Administration and future Administrations to better protect the United States by preventing international public emergencies like COVID-19 from happening again. The Administration will continue to engage with the Congress and adhere to well-established principles in assessing the outcome of the work of the INB as these negotiations continue.

Mr. MEEKS. Mr. Chair, I reserve the balance of my time.

Mr. DAVIDSON. Mr. Chair, I yield 3 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Chair, Mr. MEEKS talks like there is a final draft of the treaty. We, again, have not seen it. How else would he seem to know or claim to know that it is an executive agreement? We thought it was still in negotiations.

Mr. Chair, I am in strong support of H.R. 1425 requiring any agreement reached by the World Health Organization to be deemed as a treaty, and thus, requiring the approval of the Senate by a two-thirds vote.

The WHO corruptly handled the China virus due, in no small part, to WHO Director-General Tedros being heavily influenced by Chinese President Xi.

In 2020, Tedros praised China for their handling of the pandemic, even though it was clear that they were withholding critical information about the true origin and nature of the virus.

This year, member states of WHO have been working to come to an agreement on what is called the pandemic prevention, preparedness, and response accord. Thankfully, this agreement, which would absolutely be an unconstitutional surrender of sovereignty of the United States, has not been finalized.

However, the World Health Assembly, the body deliberating language in the agreement, has already agreed to several amendments committing to solidarity and equity, establishing a new body to facilitate effective implementation, and creating an international human rights authority to improve coordination between countries.

This is nothing more than an international power grab by leftist elitists

who hate America, want to infringe on individual privacy, and seek to attack the fundamental principles of American self-governance and self-determination.

The WHO symbolizes and represents what the left wants for the world and for the United States, where national sovereignty and individual freedom mean nothing.

The Democrats don't believe in American exceptionalism, American sovereignty, our founding Judeo-Christian principles, or the preservation of that which makes us unique and the hope for the world.

That is why they believe that everybody in the world has the inherent right to come to America, whether legally or illegally.

Just 4 short years ago, the Biden administration—or the Biden-Harris administration as it used to be called—was shutting down our economy and forcing us to stay in our homes due to the China virus. They think that went great, and they would gladly do it again if it was beneficial to their own interests.

The United States should end all taxpayer funding of the WHO, formally withdraw as a member, and ignore any and all edicts put out by that body.

Until we do that, at a minimum, we should ensure the Senate holds them accountable for their infringement on our sovereignty and require a two-thirds approval of any agreement or treaty, which is what it really is.

I thank my friend Mr. TIFFANY for his leadership, and I thank Mr. DAVIDSON for leading this debate on this important issue. I urge my colleagues to vote in favor of this bill.

□ 1345

Mr. DAVIDSON. Mr. Chair, I have no additional speakers, and I reserve the right to close.

Mr. MEEKS. Mr. Chair, I yield myself such time as I may consume.

Let me say, Mr. Chair, that I believe that one of the things that my Republican friends are trying to do here is to divert the actions, the inactions, and the failure of the prior administration during the pandemic. I think that is what the real issue is here and that is what the problem is. That is why they are putting this bill forward. It is because they know about the former President, and they know what he said during the time of the pandemic. It is still there for all the world to see about what he said at that particular time. It is this debate, and this bill is why they are debating this and are against the bill vigorously.

So what happened?

What did Donald Trump say?

Let's go back, because sometimes it seems as though our memories fail of what took place during the pandemic. One way we can do that is let's look at what the President said because he loves to tweet, or now whatever else he puts it on, but he said:

"We are in very close communication with China concerning the virus. Very

few cases reported in USA, but strongly on watch. We have offered China and President Xi any help that is necessary. Our experts are extraordinary!"

That is what he said. Then he came right back after that:

"I think our relationship has never been better. We're very much involved with them, right now, on the virus that's going around. We're working very closely. I spoke to President Xi. We're working very closely with China. And, honestly, I think, as tough as this negotiation was, I think our relationship with China now might be the best it's been in a long, long time."

He goes on, and on January 29 he said:

"Just received a briefing on the Coronavirus in China from all of our great agencies, who are also working closely with China. We will continue to monitor the ongoing developments. We have the best experts anywhere in the world, and they are on top of it 24/7!"

That is the former President of the United States.

What I think has to happen is that we must apply some of the very painful lessons from COVID-19. One of those lessons that we learned is we must strengthen our global health systems.

The pandemic agreement, if secured, could do just that. We learn from the past. It would help us, but if we do H.R. 1425, we would be effectively sending and torpedoing the United States' membership in the WHO's pandemic agreement.

Now, I know as, I said before, my Republican colleagues don't like to be a part of multilateral organizations. However, when we have a worldwide pandemic, it is multilateral organizations working collectively together that can save lives because it doesn't stay in one part of the world. It travels all over the world, and it means that we have to converse, negotiate, and work with others.

The world is much smaller today. You can't isolate it. We have got to work with people. Multilateral organizations are for that purpose. Oftentimes our experts' voices lead. If you take our voices away, then it hurts the American public, the American people, and our friends and allies and others all around the world.

We have got to strengthen our multilateral relationships, especially when we are talking about WHO's pandemic agreement. That is because what that agreement aims to do is strengthen global pandemic prevention and strengthen preparedness and response. We can't let this noise and we can't allow Republicans to politicize the response of COVID pandemic and utilize antisocial-based policies to derail our diplomatic efforts. This is something that we really should be working together on to get done.

Doesn't it just make sense that we are part of the process of improving and moving forward for the next pandemic because we know it is not a matter of if, it is a matter of when the world will have it?

Don't you want to learn so the lives that we lost previously are no longer lost?

Preventing them should be our goal in a bipartisan way, not coming up with something that virtually takes away our negotiating power with the WHO and move forward.

Mr. Chair, I reserve the balance of my time.

Mr. DAVIDSON. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, it seems that the ranking member feels confident that if this were exposed to the legislature of our own country that it would torpedo the agreement. That is what he said.

He also said, maybe in a different context, that if our voices are not heard, then America is weaker. Well, he joins a long line of members of his party who say things like: To protect our democracy, we have to avoid democratic processes. We can't allow the people's voice to be heard. We have to use the elite to protect everyone, people who know best. Frankly, if we can't just do it within the Biden-Harris administration, we should do it as partisan globalist institutions and not let it be subject to scrutiny.

In fact, maybe he is on to something. Secretary Blinken, when he testified before our committee last, said that he has remaining concerns.

We don't know that this is a final draft because the Secretary of State says that he has lingering concerns, and he is not sure before his term ends as Secretary of State that they can reach a final agreement.

He is not sure that he can.

Why?

It is because he has concerns about intellectual property infringements and things that would hurt the sovereignty of our own country. This subjects the agreement, frankly, to what article 19 of the WHO constitution says. It states that such agreements be submitted to each member state for review "in accordance with its constitutional process."

The World Health Assembly in May, the World Health Organization Director-General promised that any agreement "will go to the parliaments for consideration and ratification."

This administration wants to avoid that, and their proxies here in the House want to make sure they can get away with it. That is what this bill is about.

I, again, thank Mr. TOM TIFFANY from Wisconsin for introducing this bill and Chairman McCaul for moving it through committee and to the floor.

What the other side is claiming is that Congress should not have any role in addressing a sweeping international health treaty that will affect the health, finances, and freedoms of American citizens, and I think it is dead wrong. This bill is the minimum due diligence that we owe the American people.

Mr. Chair, I urge support for H.R. 1425, and I continue to reserve the balance of my time.

Mr. MEEKS. Mr. Chair, I yield 5 minutes to the esteemed gentlewoman from California (Ms. LEE). My colleague is the ranking member on the Committee on Appropriations' State, Foreign Operations, and Related Agencies Subcommittee.

Ms. LEE of California. Mr. Chairman, I thank our ranking member, Mr. MEEKS, for his tremendous leadership on so many fronts especially as it relates to global peace and security. I thank him for yielding me time.

Mr. Chair, I rise in strong opposition to H.R. 1425. Now, we have all seen and felt how global health threats don't respect borders. Any serious global health response requires cooperation, not finger-pointing. This partisan bill doesn't provide any pathway to protecting Americans and the world from the next pandemic.

The good news is that we have an alternative, a positive example of how to build a global health partnership. I am talking about the effort to combat the HIV/AIDS pandemic.

Mr. Chair, 20 years ago, AIDS was a death sentence for millions. Entire countries and communities were literally facing oblivion.

I, along with the Congressional Black Caucus, worked with President George W. Bush and top Republicans like Senate Republican leader Bill Frist and House Foreign Affairs Chair Henry Hyde to create PEPFAR, the President's Emergency Plan for AIDS Relief.

I believe now probably only about 20 to 25 percent of Members who are presently serving were here when we passed this first major global health initiative.

Today, PEPFAR is the most successful assistance program in history. PEPFAR investments have helped save 25 million lives. That is what we did. Seven million orphans and vulnerable children have received support, and 5½ million babies have been born HIV-free.

This success has led Congress to extend PEPFAR three times. Last year, for the first time, Congress failed to do this despite bipartisan support. I have spoken at length with many Members on both sides of the aisle, and both sides of the aisle, the Members, continue supporting PEPFAR's work. However, Republican leadership seems to prefer divisive bills like H.R. 1425 instead of bipartisan bills like PEPFAR. They are choosing divisiveness over cooperation and results.

This is just a 5-year extension with no changes. That is all we are asking for.

Mr. Chair, PEPFAR also, you have to understand, is a key national security priority. The world is watching. We are trying to show people in other countries that the United States should be their preferred partner, of course, instead of China, for example.

What message does it send when we walk away from our commitments before the job is done?

Yes, we all are committed to an AIDS-free generation by 2030, and that

is why a 5-year extension is extremely important.

For this reason, at the appropriate time, I will offer a motion to recommit this bill back to committee. If the House rules permitted, I would have offered the motion with an important amendment to this bill. My amendment would reauthorize PEPFAR for another 5 years, just as we have in the past three times, to ensure that the United States keeps its commitment to finally defeat HIV and AIDS for everyone everywhere.

Mr. Chair, I include in the RECORD the text of the amendment.

Ms. Lee of California moves to recommit the bill, H.R. 1425, to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "PEPFAR Extension Act of 2024".

SEC. 2. INSPECTORS GENERAL AND ANNUAL STUDY.

Section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611) is amended—

- (1) in subsection (f)(1)—
 - (A) in subparagraph (A), by striking "March 25 of fiscal year 2025" and inserting "2030"; and
 - (B) in subparagraph (C)(iv)—
 - (i) by striking "nine" and inserting "14"; and
 - (ii) by striking "2025" and inserting "2030"; and
- (2) in subsection (g)—
 - (A) in paragraph (1), by striking "2024" and inserting "2031"; and
 - (B) in paragraph (2)—
 - (i) in the heading, by striking "2024" and inserting "2031"; and
 - (ii) by striking "September 30, 2024" and inserting "September 30, 2031".

SEC. 3. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

Section 202(d) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended—

- (1) in paragraph (4)—
 - (A) in subparagraph (A)—
 - (i) in clause (i), by striking "2023" and inserting "2030"; and
 - (ii) in clause (ii), by striking "2023" and inserting "2030"; and
 - (B) in subparagraph (B)(iii), by striking "2023" and inserting "2030"; and
- (2) in paragraph (5), by striking "2023" and inserting "2030".

SEC. 4. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

- (1) in subsection (b), by striking "2023" and inserting "2030"; and
- (2) in subsection (c), in the matter preceding paragraph (1), by striking "2023" and inserting "2030".

Ms. LEE of California. I hope my colleagues on both sides of the aisle will join me in voting for the motion to recommit.

Mr. DAVIDSON. Mr. Chair, I continue to reserve the balance of my time.

□ 1400

Mr. MEEKS. Mr. Chair, I yield myself the balance of my time.

First, I thank my colleague, the inimitable Congresswoman from California, BARBARA LEE, for her remarks on the bill and on PEPFAR, the President's Emergency Plan for AIDS Relief. She is a true leader and a tremendous advocate on many issues, but especially on PEPFAR.

I support her bill that reauthorizes PEPFAR. As she stated, it is one of the most successful U.S.-led global health interventions ever. She did it in a bipartisan way with a Republican President and Republican Senate. That is the way we used to do business around here.

PEPFAR, as she said, has saved over 25 million lives in more than 50 countries. I was pleased by the statements made by my Foreign Affairs Committee chair, my friend who I have talked to about this bill over and over again, MIKE MCCAUL, during a hearing we had where we recognized the importance of PEPFAR's programming in Africa.

Chairman MCCAUL emphasized the need to ensure the extension of PEPFAR, "a 20-year success story." He highlighted the President of Botswana's gratitude toward PEPFAR, who noted its public health impacts have saved a generation.

I was pleased by Africa Subcommittee Chair JOHN JAMES, who today praised PEPFAR as the most successful foreign policy tool since the Marshall Plan and declared we have to have a long-term reauthorization plan—bipartisanship at its best—and recognition of the value of PEPFAR.

The unprecedented 1-year reauthorization has done little to reassure our African partners, our diplomatic corps, and PEPFAR implementers that Congress is committed to ending the scourge of HIV/AIDS once and for all.

We must have a clean 5-year reauthorization of PEPFAR, and I am willing to work with my colleagues on the other side of the aisle to stop playing politics with people's lives and get a clean 5-year reauthorization done.

I work with MIKE MCCAUL. I work with JOHN JAMES. I work with my colleagues on the other side, especially on this committee, in a bipartisan way. We work with Republicans in the Senate. We worked with a Republican President. This should not be something that is difficult to get done.

I, again, thank Congresswoman LEE for her leadership, for her vision, and for saving millions of lives. I agree with her that H.R. 1425 is a distraction from responsible global health legislation.

Let's keep PEPFAR in bills that target malaria, tuberculosis, and other neglected tropical diseases. Let's get rid of them collectively together for all time.

Mr. Chair, I yield back the balance of my time.

Mr. DAVIDSON. Mr. Chair, I yield myself the balance of my time for closing.

Just a reminder to all of our colleagues following this vigorous debate that this bill is not about PEPFAR. This bill is about the administration's desire to enter into a treaty with the World Health Organization to surrender our sovereignty without following our constitutional process.

This bill would require the Senate to ratify a treaty. If it is going to have the binding force of law on future administrations, that is what our process requires in our Constitution, and frankly, it is what is acknowledged by the World Health Organization itself. It is what they are expecting of other countries, but somehow the Biden-Harris administration doesn't expect it of us and, sadly, their proxies don't either.

The other side mentioned in their debate that viruses don't recognize boundaries, that pandemics don't recognize borders, but the reality is the response does. We saw very different responses around the world, some pretty alarming and downright dystopian. If the World Health Organization chose to do that, America should sovereignly make its choice for our country, for how we react to it.

Of course, that is what is going to happen. Admittedly, some future administration might move in lockstep with the World Health Organization, but without the effect of a treaty, the United States certainly isn't obligated to, and perhaps that is a good thing.

Maybe it is a good thing that they are going to skip this. Maybe the administration will avoid it coming up in the Senate. Maybe the administration would veto it if we did get it over the finish line, but certainly, we should never surrender our sovereignty to the World Health Organization, in particular.

I thank Mr. TIFFANY for introducing this bill and Chairman MCCAUL for moving it through our committee and to the floor.

Mr. Chair, I encourage all of our colleagues to support H.R. 1425, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chair, I am a proud cosponsor of Rep. TIFFANY's H.R. 1425, No WHO pandemic Treaty Without Senate Approval Act. H.R. 1425 would ensure that any international instrument on pandemic prevention, preparedness, and response agreed to by the World Health Assembly is deemed a treaty and thereby sent to the Senate for "Advice and Consent".

In my 45 years in Congress, I have seen time and time again efforts by the World Health Organization (WHO) to expand authorities and ideologically colonize vulnerable countries using foreign assistance—the majority of it funded by U.S. taxpayer dollars.

Once again, but now in a manner that is most concerning to me—through a treaty—they plan to exploit people's fears of the next pandemic in order to execute and bind Leftist ideological pursuits, disguised as supporting "equity", "essential health services", and the

like, all the while trampling on U.S. sovereignty, threatening intellectual property rights and free speech, and promoting or funding abortion.

The approach to drafting this treaty has also been disturbing—the lack of transparency, the backroom negotiations, support for the WHO power grab, placing unknown financial obligations for U.S. taxpayers—while benefitting China at the expense of the United States.

Can Americans even trust the World Health Organization? Has WHO earned back our trust after the devastating blow we experienced from their horrific mismanagement and coverup of PRC involvement of the COVID-19 pandemic?

No, they haven't.

We weren't even going to be given a chance to see the final negotiated text before the treaty's presentation at the World Health Assembly this past May. Luckily, the negotiators could not reach an agreement in time (but may do so before the end of this year).

From day one, we have been pressing the Biden Administration for transparency, to protect U.S. sovereignty from unelected WHO bureaucrats, and to commit to sending the proposed WHO Pandemic Treaty to the Senate for a real review before the U.S. government makes any agreement. This agreement is far too important to not receive a proper Congressional review and debate. Millions of taxpayer dollars are at stake.

Will President Biden, make the treaty's final draft public so that taxpayers can review this treaty? So that civil society and the private sector can review it? So that U.S. Congress can review and debate it?

So far, our demands have not been heeded.

It is an absolute affront to our sovereignty to hand over critical health authorities to these unelected bureaucrats—with no accountability whatsoever—and empower them to dictate policies to U.S. medical professionals and U.S. taxpayers when it comes to vaccines, therapeutics, and the like.

Using potential pandemics as a pretext to violate the principles of good governance erodes trust and undermines international cooperation when it is most needed.

And we most certainly won't be signing a blank check. The American taxpayer should not be fleeced like this.

Binding international covenants, treaties, or agreements—and the legal obligations imposed on nations—requires serious and comprehensive analysis and must be sent to the Senate for "Advice and Consent".

I urge all members of Congress to do their duty and vote in favor of H.R. 1425.

The Acting CHAIR (Mr. MCCLINTOCK). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

An amendment in the nature of a substitute consisting of the text of Rules Committee Print 118-44 shall be considered as adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No WHO Pandemic Preparedness Treaty Without Senate Approval Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

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

(A) United States contributions to WHO would be halted due to its mismanagement of the COVID-19 outbreak and its lack of independence from the People's Republic of China; and

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

(2) President Trump's May 18 letter cited numerous instances of WHO mismanagement of the COVID-19 pandemic, including—

(A) unjustified delays informing member states about a potentially serious disease outbreak in Wuhan, China; and

(B) repeated grossly inaccurate or misleading claims about the transmissibility of the virus and about the Government of China's handling of the outbreak.

(3) On June 30, 2020, Secretary of State Mike Pompeo formally notified the United Nations of the United States decision to withdraw from WHO, which would have taken effect on July 6, 2021, under the terms of a joint resolution adopted by Congress on June 14, 1948 (Public Law 80-643; 62 Stat. 441).

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

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

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

(A) to establish an intergovernmental negotiating body (referred to in this section as the "INB") to draft and negotiate a WHO convention (referred to in this section as the "Convention"), agreement, or other international instrument on pandemic prevention, preparedness, and response, with a view to adoption under Article 19 or any other provision of the WHO Constitution; and

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

(7) On February 24, March 14 and 15, and June 6 through 8 and 15 through 17, 2022, the INB held its inaugural meeting at which the Director-General proposed the following 5 themes to guide the INB's work in drafting the Convention:

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

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

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

(D) Establishing a long-term plan for sustainable financing to ensure support for global health threat management and response systems.

(E) Empowering WHO to fulfill its mandate as the directing and coordinating authority on international health work, including for pandemic preparedness and response.

(8) On July 18 through 22, 2022, the INB held its second meeting at which it agreed that the Convention would be adopted under Article 19

of the WHO Constitution and legally binding on the parties.

(9) On December 5 through 7, 2022, the INB held its third meeting at which it accepted a conceptual zero draft of the Convention and agreed to prepare a zero draft for consideration at the INB's next 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:

(A) "The extent to which the agreement involves commitments or risks affecting the nation as a whole".

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

(C) "Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress".

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

(E) "The preference of the Congress as to a particular type of agreement".

(F) "The degree of formality desired for an agreement".

(G) "The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement".

(H) "The general international practice as to similar agreements".

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a significant segment of the American public is deeply skeptical of the World Health Organization, its leadership, and its independence from the pernicious political influence of certain member states, including the People's Republic of China;

(2) Congress strongly prefers that any agreement related to pandemic prevention, preparedness, and response adopted by the World Health Assembly pursuant to the work of the INB be considered a treaty requiring the advice and consent of the Senate, with two-thirds of Senators concurring;

(3) the scope of the agreement which the INB has been tasked with drafting, as outlined by the Director-General, is so broad that any application of the factors referred to in section 2(11) will weigh strongly in favor of it being considered a treaty; and

(4) given the level of public distrust, any relevant new agreement by the World Health Assembly which cannot garner the two-thirds vote needed for Senate ratification should not be agreed to or implemented by the United States.

SEC. 4. ANY WORLD HEALTH AGENCY CONVENTION OR AGREEMENT OR OTHER INTERNATIONAL INSTRUMENT RESULTING FROM THE INTERNATIONAL NEGOTIATING BODY'S FINAL REPORT DEEMED TO BE A TREATY SUBJECT TO ADVICE AND CONSENT OF THE SENATE.

Notwithstanding any other provision of law, any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly pursuant to the rec-

ommendations, report, or work of the International Negotiating Body established by the second special session of the World Health Assembly is deemed to be a treaty that is subject to the requirements of article II, section 2, clause 2 of the Constitution of the United States, which requires the advice and consent of the Senate, with two-thirds of Senators concurring.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 118-656. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OGLES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 118-656.

Mr. OGLES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Redesignate section 4 as section 5 and insert after section 3 the following:

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to unequivocally support Taiwan's full participation in the World Health Organization.

The Acting CHAIR. Pursuant to House Resolution 1430, the gentleman from Tennessee (Mr. OGLES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. OGLES. Mr. Chair, this amendment would make it the policy of our Nation to advocate for Taiwan's full participation in the World Health Organization.

For far too long, we have allowed Communist China to dictate the course of U.S. foreign policy as well as the agenda and membership of every major international organization, including the United Nations. This decades-long policy of global appeasement to the CCP came home to roost 4 years ago.

Decades upon decades of giving in to China has left Taiwan with fewer and fewer allies. In the late 1990s, over 30 countries recognized Taiwan. Now, the number is down to 12. Much of the world has placed Taiwan in the company of pariah states like North Korea and Iran.

Because the world allowed the PRC's pressure campaign against Taiwan to succeed, no one listened when Taiwan tried to warn the World Health Organization of possible human-to-human transmission of the coronavirus on December 31, 2019. No one listened to them when Taiwanese health experts visited Wuhan and found indications of human-to-human transmission in mid-January 2020. In fact, at the same time, the WHO released a statement declar-

ing no clear evidence of human-to-human transmission of the coronavirus.

Mr. Chair, we lost weeks. We lost weeks of preparation against the ravaging effects of the COVID-19 pandemic on our Nation all because Communist China told the world that under no circumstance could Taiwan be given a seat at the table at the World Health Organization.

We can only guess how many untold thousands of American lives were lost as a result. We do know, however, that decade after decade of U.S. foreign policymaking has prioritized appeasing the PRC over the security of the American people, and it needs to stop.

Mr. Chair, I reserve the balance of my time.

Mr. MEEKS. Mr. Chair, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. MEEKS. Mr. Chair, I rise in support of this amendment as we need to expand Taiwan's international space and enable its participation in international forums.

Taiwan is a friend, a democracy, and a critical part of the international community. As such, Taiwan should be contributing its expertise and participating as an observer in the World Health Assembly.

This is why last Congress, when I was chairman of the House Foreign Affairs Committee, I helped get S. 812 signed into law to direct the State Department to support Taiwan's participation at the World Health Organization and obtain observer status for Taiwan at the World Health Assembly.

As a result, the Biden-Harris administration has consistently pushed for greater participation by Taiwan at the WHO. This amendment sends another signal to the WHO as to where the U.S. Congress stands.

I agree with Mr. OGLES' amendment, but I do think that we should be precise and careful in how we talk about important policy matters.

I want to emphasize that I read this amendment as being consistent with the spirit of current U.S. policy, which supports Taiwan's meaningful participation in the WHO's World Health Assembly.

Supporting Taiwan's full membership in the WHO, however, is inconsistent with U.S. policy and would undermine our longstanding One China policy, given Taiwan is not a U.N. member state.

Taiwan should, as I believe this amendment properly states, have full observer status in the WHO, so I urge all of my colleagues to support Mr. OGLES' amendment, and I yield back the balance of my time.

Mr. OGLES. Mr. Chair, I appreciate the comments of my colleague because

we should show our support and allegiance to Taiwan, nor should we placate the People's Republic of China regarding Taiwan. We are, in fact, making war more likely, not less, if we allow the Chinese Communist Party to have influence over our policy on such things as Taiwan's participation in the WHO.

We cannot and should not surrender our national sovereignty out of fear. This is the definition of weakness, and weakness invites aggression. If the Communists in Beijing don't think we have established a credible deterrence, they will attack Taiwan. They will consider attacking Taiwan.

I know my colleagues and I agree that Taiwan is an ally to the people and nations of good around the world. They want to work with the United States. They want to help, as they did in April 2020 when Taiwan provided free personal protective equipment to our Nation at a time when it was scarce.

Communist China, on the other hand, would rather cover up a deadly virus, wasting weeks and resulting in the deaths of untold hundreds of thousands if not millions. They are more worried about their reputation. That is an atrocity. It is appalling, and we need to recognize the fact that the existential threat to the United States of America is China. At every turn, they work to undermine us, and I, for one, have had enough.

Mr. Chair, I thank Chairman McCAUL for his support, and I urge adoption of my amendment. I yield back the balance of my time.

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The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. OGLES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OGLES. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 118-656.

Ms. FOXX. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. 5. NO FORCE OR EFFECT TO TREATY PRIOR TO RATIFICATION.

Notwithstanding any other provision of law, any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response deemed to be a treaty by section 4—

(1) shall have no force or effect under the laws of the United States before the date on which such treaty is ratified with the advice and consent of the Senate; and

(2) may not be used, prior to such date, to establish or demonstrate the existence of a

violation of United States law or an offense against the law of nations in United States courts, including—

(A) to establish standing, a cause of action, or damages as a matter of law; or

(B) to demonstrate whether an action by a Federal agency is arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

The Acting CHAIR. Pursuant to House Resolution 1430, the gentleman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Ms. FOXX. Mr. Chairman, I rise in support of my amendment.

Mr. Chairman, the United States must never relinquish its sovereignty. Without question, we must work to ensure that, in the eloquent words of President Lincoln during the "Gettysburg Address": "This government of the people, by the people, for the people, shall not perish from the Earth."

The power bestowed upon our government is derived from the will of the American people, not by foreign governments or organizations that syphon away our money as if we were a cash cow.

Foreign entities, such as the World Health Organization, or WHO, should never be allowed to corrode America's sovereignty and hand down edicts to the American people. We chart our own course, and we will not be deterred from doing so.

We should be even more skeptical of foreign entities, like the WHO, that are bedfellows with Communist China. China and its international cabal of bureaucrats would love nothing more than to have the United States follow their direction and the direction of their puppets like mindless lemmings.

They are hell-bent on controlling our God-given freedoms at the expense of our livelihoods. This cannot and will not be allowed to stand.

My amendment strengthens the underlying bill to ensure that H.R. 1425 will slam the door on any attempt to allow international bureaucrats at the WHO to undermine U.S. sovereignty and the will of the people.

My amendment clarifies that no WHO convention, agreement, or other international instrument on pandemic prevention, preparedness, or response can have any force or effect in U.S. law before or unless the Senate ratifies such a treaty.

This includes the clarification that no WHO agreement may be used to establish standing to sue under U.S. law or to challenge U.S. agency actions. Only if the American people's Representatives have spoken, with two-thirds of the Senate ratifying any WHO agreement, should it be allowed to have any impact on U.S. law.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. MEEKS. Mr. Chairman, I oppose this amendment. The draft pandemic agreement advances global health security without impacting the United States' international sovereignty. The draft agreement explicitly states that it does not give the WHO any power to dictate specific policy to member nations and that member states may implement the policies according to their own sovereign laws.

Many of the issues the United States delegation in Geneva is currently negotiating in the draft pandemic agreement are to ensure a final agreement is in compliance with U.S. laws rather than subverting them.

Mr. Chair, for these reasons and others, I strongly urge my colleagues to vote "no" on this misleading amendment, and I reserve the balance of my time.

Ms. FOXX. Mr. Chairman, I am, frankly, surprised at my colleague for opposing an amendment that does nothing more than strengthen this piece of legislation. This amendment ensures that we do not violate our national sovereignty. I think it is the right thing to do.

Mr. Chairman, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, it is explicit in the agreement that our sovereignty is not threatened, so this is duplicative, and that is why I oppose it.

Mr. Chairman, I have no further speakers. I yield back the balance of my time.

Ms. FOXX. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from North Carolina has 1½ minutes remaining.

Ms. FOXX. Mr. Chairman, I reiterate what I said a few minutes ago. I respect my colleague from New York (Mr. MEEKS), but what harm does it do to put belts and suspenders on a bill?

The gentleman says it is not needed. It takes up a few words more. It is not going to have any negative effect on the national debt, but it makes it abundantly clear that no organization, particularly the WHO, can order this country to do anything under any kind of an agreement without a vote of the United States Senate, as we would do with any kind of treaty or other agreement.

Mr. Chairman, I urge my colleagues to vote for this amendment, strengthen the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Ms. FOXX).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 118-656.

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 17, insert the following:

(12) Article II, Section 2 of the United States Constitution provides that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur”.

(13) Alexander Hamilton writes in *Federalist Paper #75* regarding the Treaty Making Powers of the Executive that “Its objects are CONTRACTS with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong, properly, neither to the legislative nor to the Executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the Executive as the most fit agent in those transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them”.

(14) If any provisions of a treaty are to have legal bearing on United States citizens those provisions must pass both the United States House of Representatives and the Senate and be presented to the President, as all Federal laws must.

(15) The United States Constitution establishes a clear framework for making treaties by the Executive and with the advice and consent of the Senate. This process is indispensable for the Founders' vision of constitutional government.

(16) The United States House of Representatives does not vote for, ratify, affirm, or consent to treaties.

The Acting CHAIR. Pursuant to House Resolution 1430, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, I rise in support of my amendment, which simply recognizes that the United States Constitution is the supreme law of the land. Our Constitution establishes a very clear framework for making treaties by the executive and with the advice and consent of the Senate.

Our Constitution also establishes a clear framework for making laws that affect our domestic affairs. If any provisions of a treaty are to have legal bearing on United States citizens, those provisions must pass both the United States House of Representatives and the Senate and be presented to the President, as all Federal laws must.

Treaties don't override our constitutional process for making law. Presidents can't make U.S. law by agreeing to new terms in an international treaty. Every law that American citizens live under must pass the House and the Senate.

My colleagues have eloquently made the point that a President can't enter into a treaty without the advice and consent of the Senate, and, in doing so, they are standing up for the sov-

ereignty of American citizens. They are requiring the Senate to be that portion of the legislative branch that decides what laws will bear on citizens, depending on what the treaty is.

My amendment here is very simple. It says that, if a treaty has a law in it that has a bearing on United States citizens, on our domestic activities, then it has to follow the lawmaking process of the Constitution.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. MEEKS. Mr. Chairman, I rise in opposition to this amendment because it is within the President's authority to negotiate treaties and agreements without Senate ratification. While inserting findings clarifying the role of Congress and ratifying treaties would be entirely appropriate for a treaty under recognition, the draft pandemic agreement is not a treaty.

As I have previously stated, the United States President has the option of acceding to a treaty or agreement through executive action alone without the advice or consent of the Senate.

Over 90 percent of all U.S. international legal agreements have been approved via executive action rather than normal or formal Senate approval. These findings insinuate that the Biden-Harris administration is attempting to sidestep the Senate in these pandemic agreement negotiations. This is absolutely, 100 percent wrong.

Mr. Chairman, it is for these reasons that I urge all of my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. MASSIE. Mr. Chairman, the bulk of my speech in support of my amendment actually doesn't come from me. It is going to come from Alexander Hamilton, who describes in *Federalist 75* the treaty-making powers of the executive. He states: “Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith.”

This is the most important part: “They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong, properly, neither to the legislative nor to the executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the executive as the most fit agent in those transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them.”

What is he saying here? He is saying domestic laws can't be made using a treaty. Treaties can't bind the United

States to declare war. Treaties can't raise taxes. Treaties can't create new laws for us. The United States should not take part in international institutions that erode our sovereignty. Congress should not legitimize blatantly unconstitutional notions that agreements that come out of these institutions supersede the Constitution of the United States.

Mr. Chairman, I will close by saying this: Do we believe that the Senate itself and the President, without consulting the House, could implement a vaccine mandate by merely calling it a treaty and finding another sovereign party to enter into it with? I do not.

Do we believe that they could implement or impose social distancing on U.S. citizens by calling it a treaty and finding another sovereign to enter into an agreement with? I do not. They have to come to the House.

Let's take the example of gun control. By the way, this is not a hypothetical. Do we think they could impose gun control on U.S. citizens in a treaty with the United Nations and some other sovereign countries merely with the advice and consent of the Senate? That would take two-thirds or 67 votes in the Senate, but it could completely leave out the House of Representatives. No, they cannot do that. That is outside of our Constitution. We are guaranteed a Republican form of government with a legislature that makes the laws that bear on citizens.

Mr. Chairman, I will close with this most important part of my amendment, which says: “If any provisions of a treaty are to have legal bearing on United States citizens those provisions must pass both the House of Representatives and the Senate and be presented to the President, as all Federal laws must.”

Mr. Chairman, I urge adoption of my amendment, and I support the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The amendment was agreed to.

□ 1430

Mr. DAVIDSON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. MCCLINTOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1425) 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, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair