

116TH CONGRESS  
2D SESSION

# S. 4240

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

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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

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## 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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