

January 22, 2024

Susan Kim
Principal Deputy Assistant Secretary
HHS Office of Global Affairs Leadership
200 Independence Avenue, S.W. Washington, D.C. 20201

Re: Notice and Request for Comments on the Implications of Access and Benefit Sharing (ABS) Commitments/Regimes and Other Proposed Commitments Being Considered Under a WHO Convention, Agreement or Other International Instrument on Pandemic Prevention, Preparedness, and Response.

Dear Principal Deputy Assistant Secretary Kim:

Below are comments from Advancing American Freedom (“AAF”) on the Filing of a Request for Comments on the Implications of Access and Benefit Sharing (ABS) Commitments/Regimes and Other Proposed Commitments Being Considered Under a WHO Convention, Agreement or Other International Instrument on Pandemic Prevention, Preparedness, and Response, filed with HHS December 22, 2023.

Advancing American Freedom (“AAF”) on behalf of itself, the following individuals, and the organizations they represent: the Honorable Ken Cuccinelli (original member of the Coronavirus task force), Michael Farris (National Religious Broadcasters Association), Vicky Hartzler (former member of Congress), Gary Bauer (American Values), Ron Armstrong (Stand Up Michigan), David Fowler (The Family Action Council of Tennessee), Bunni Pounds (Christians Engaged), E. Calvin Beisner (Cornwall Alliance for the Stewardship of Creation), Fran Bevan (Southwest Pennsylvania Eagle Forum), Jameson Taylor (American Family Association), Richard Manning (Americans for Limited Government), Allen Roth (Secure America Now), Brent Hagerman (Setting Things Right), Gerrye Johnston (Men and Women for a Representative Democracy in America), Saulius Anuzis (60 Plus Association), James L. Martin (60 Plus Association), Ron Pearson (Pearson & Pipkin, Inc), the Honorable George K. Rasley Jr (ConservativeHQ.com), Bob Carlstrom (AMAC Action), Becky Gerriston (Eagle Forum of Alabama), Stella Morabito, Tim Wildmon (American Family Association), and David K. Bernard (National Apostolic Christian Leadership Conference) submits the below comments on the Filing of a Request for Comments on the Implications of Access and Benefit Sharing (ABS) Commitments/Regimes and Other Proposed Commitments Being Considered Under a WHO Convention, Agreement or Other International Instrument on Pandemic Prevention, Preparedness, and Response, filed with HHS December 22, 2023.

Introduction

The World Health Organization's ("WHO") proposal to consolidate power and erode the United States of America of its sovereignty through the WHO Pandemic Preparedness Treaty is untenable and raises serious and significant questions regarding America's independence of action and ability to respond to global pandemics. WHO's ill-advised approach inappropriately elevates race and "equity" as considerations during a public health crisis. As a voice in Washington for millions of freedom-minded Americans, AAF is deeply concerned by the prospect of the United States further legally binding itself to the failed WHO through the Pandemic Preparedness Agreement. In the wake of the COVID-19 pandemic, unanswered questions linger regarding the WHO and whether America should continue to support and collaborate with an organization that has received billions of American taxpayer dollars for seemingly minimal benefit while showing itself to be a mouthpiece of the Chinese Communist Party's COVID-19 propaganda mill.

WHO's COVID-19 Failures

The WHO's response to the COVID-19 pandemic was utterly inadequate. Its delayed and bungled initial response efforts due to blindly trusting the Chinese Communist Party and its other ghastly missteps have broken American's trust in the WHO. Further empowering a corrupt and incompetent international bureaucracy is contrary to the best interests of the American people.

From the very beginning of the COVID-19 pandemic, the WHO essentially took Chinese Communist Party ("CCP") propaganda at face value, tweeting on January 14, 2020, "Preliminary investigations conducted by CCP authorities have found no clear evidence of human-to-human transmission of the novel #coronavirus (2019-nCoV) identified in #Wuhan, #China."¹ WHO would look the other way as the CCP punished Chinese doctors for sounding the alarm on COVID-19.² Most notably, Chinese whistleblower Dr. Li Wenliang would die from COVID-19.³ Tedros Adhanom Ghebreyesus, Director General of the WHO, would go on to praise China's COVID-19 response rather than holding them accountable for delaying the world's response to the COVID-19 pandemic.⁴

Meanwhile on January 31, 2020, the Trump-Pence Administration issued a China travel ban. A WHO spokesman condemned the decision as "social disruption."⁵

While the WHO was content to parrot misleading and outright false CCP talking points, the WHO remains quite concerned with private citizens actively seeking the truth regarding COVID-19

¹ <https://x.com/WHO/status/1217043229427761152?s=20>

² <https://www.bbc.com/news/world-asia-china-50984025>

³ <https://www.bbc.com/news/world-asia-china-51403795>

⁴ <https://www.scmp.com/news/china/science/article/3050351/coronavirus-who-head-stands-his-praise-china-and-xi-jinping>

⁵ <https://www.statnews.com/2020/01/31/as-far-right-calls-for-china-travel-ban-health-experts-warn-coronavirus-response-would-suffer/>

wherever it may take them. Today, the WHO's own website solicits individuals to report "misinformation" to social media platforms.⁶ As those platforms have repeatedly demonstrated, they are more than happy to stifle free speech, debate and the exchange of ideas – fundamental American ideals—in pursuit of particular agendas.⁷ The WHO's response to the COVID-19 pandemic has been marked by misstep after misstep and it has given no reason to believe it intends to change course. To date, the same leadership that oversaw the COVID-19 response remains in power and is again being funded by American tax dollars after the Biden Administration resumed U.S. financial support of the organization.

Equity Theater Treaty

The draft treaty, released on October 30, 2023, uses the word "equity" at least 9 times and "equitable" at least 20 times. It presents "equity" as its 3rd general principle, ahead of responsibility, transparency, accountability, and science and evidence – principles that are magnitudes more important than "equity" during a global pandemic.

The United States has already experienced racism under the guise of "equity" during the COVID-19 pandemic. In New York, state guidelines instructed medical professionals to consider the race of patients as a "risk factor" when allocating limited quantities of treatments including monoclonal and oral antivirals.⁸ Similarly, Utah initially allowed medical professionals to consider race and sex as factors for allocating its COVID-19 treatments before eliminating them citing "legal concerns".⁹ Members of Congress even criticized HHS for restricting states' access to monoclonal antibodies in the name of "equity."¹⁰

A pandemic treaty should focus on preventing and responding to diseases, not "divvying up by race," which, as Chief Justice Roberts has said, "is a sordid business."¹¹

Article 9 & 18: Censoring Americans' Free Speech

Article 9 of the proposed pandemic agreement negotiating text calls for parties to the treaties to "promote ... knowledge translation and evidence-based communication tools, strategies and partnerships relating to pandemic prevention, preparedness and response, *including infodemic management, at local, national, regional and international levels.*"¹²

Article 18 goes even further calling for international collaboration in the "fight" against misinformation. "The Parties shall strengthen science, public health and pandemic literacy in the

⁶ <https://www.who.int/campaigns/connecting-the-world-to-combat-coronavirus/how-to-report-misinformation-online>

⁷ [White House coerced tech giants, violated free speech, court rules \(usatoday.com\)](https://www.usatoday.com/story/news/technology/2023/10/29/white-house-coerced-tech-giants-violated-free-speech-court-rules/12345678)
[Justice Dept. says social media giants may be 'intentionally stifling' free speech | TechCrunch](https://www.techcrunch.com/2023/10/29/justice-dept-says-social-media-giants-may-be-intentionally-stifling-free-speech/)

⁸ <https://www.wsj.com/articles/new-york-race-based-covid-treatment-white-hispanic-inequity-mono-clonal-antibodies-antiviral-pfizer-omicron-11641573991>

⁹ <https://www.sltrib.com/news/2022/01/21/utah-eliminates-race-sex/>

¹⁰ <https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/Roy%20Letter%20to%20Becerra%20-%20Antibody%20Treatment%209.13.21.pdf>

¹¹ <https://www.usatoday.com/story/news/politics/2022/10/29/john-roberts-writings-key-supreme-court-affirmative-action-cases/8196980001/>

¹² https://apps.who.int/gb/inb/pdf_files/inb7/A_INB7_3-en.pdf. Emphasis ours.

population, as well as access to information on pandemics and their effects and drivers, and *combat false, misleading, misinformation or disinformation, including through effective international collaboration and cooperation.*”¹³

Free speech is not only a constitutionally recognized fundamental right. It is also a value that is deeply rooted in America’s history and is central to a functioning political system. As the Supreme Court has explained, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *West Virginia State Bd. of Ed. v. Barnette*, 319 U.S. 624, 642 (1943). U.S. representatives at the WHO negotiation must reject any Orwellian demand that free speech be limited in the name of stopping “misinformation” or “disinformation.”

Americans rejected a federal “ministry of truth” when they adopted the First Amendment. They then denied state governments that same power with the adoption of the Fourteenth Amendment. Even more recently, Americans’ legitimate outrage brought the Biden Administration’s effort to create a modern day “ministry of truth” to a swift end.¹⁴ The question regarding speech is who gets to decide what is true? Americans have consistently rejected the government as the arbiter of truth. U.S. representatives should make clear that the American people also reject an equally ominous answer to who decides; WHO.

The WHO’s response, combined with that of government officials in the US, to the pandemic was a quintessential example of why the American people have consistently denied the government the authority to determine and prescribe the truth. The WHO said the CCP had no evidence of human-to-human transmission in early 2020. The CCP in fact had such evidence as early as December of 2019.¹⁵

Weaponization of the term “misinformation” allows those in power to punish, silence, and jawbone those who simply disagree. In fact, if the WHO is so concerned with stamping out misinformation, perhaps they should examine their own director.

On February 26, 2020, then and current WHO Director gave a speech in which he made the miraculous claim that, “we are not witnessing sustained and intensive community transmission of this virus, and we are not witnessing large-scale severe disease or death.” If only the WHO had reported him for misinformation through the proper channels. At that time, the WHO reported 81,109 confirmed coronavirus cases.¹⁶

Lest we think “misinformation” is solely a WHO problem, America’s public health leadership also suffered from bouts of misinformation through the pandemic.

¹³ Ibid. Emphasis ours.

¹⁴ [Three-week-old Biden disinformation task force 'paused' \(bbc.com\)](https://www.bbc.com/news/health-55811111)

¹⁵ [One year later, the World Health Organization still hasn't addressed its failures | Washington Examiner](https://www.washingtonexaminer.com/one-year-later-the-world-health-organization-still-hasnt-addressed-its-failures)

¹⁶ <https://foreignpolicy.com/2020/05/27/who-health-china-coronavirus-tedros/>

In the earliest days of the COVID-19 pandemic, then-NAIAD Director Anthony Fauci worked aggressively behind the scenes to push scientists to discredit the Wuhan lab leak theory.¹⁷ The result was the issuance of a report heavily influenced by a man who declared, “I am the science.”¹⁸ That report was then used as the “science” to silence those who called for consideration of the lab leak theory. Now, years later, the Department of Energy and Federal Bureau of Investigation, along with more than 60% of Americans, believe that COVID-19 originated from a lab leak in Wuhan.¹⁹ However, when an American publicly stated that opinion on social media during the pandemic, they were likely to face censorship. Further, Dr. Fauci repeatedly insisted that the National Institutes of Health did not fund gain-of-function research at the Wuhan Institute of Virology constitutes another example of “misinformation.” Dr. Fauci’s continued insistence on his own version of the truth was decimated by Senator Rand Paul of Kentucky, leading to a criminal referral to the Department of Justice for lying to Congress.²⁰

Even worse, much of the heinous censorship Americans suffered during the COVID-19 pandemic, was directed by the federal government and Dr. Fauci, who was deposed, as outlined by the Fifth Circuit Court of Appeals in *Missouri v. Biden*.²¹²² There is no pandemic exception to the First Amendment or to the principle of free speech generally. The United States of America cannot be party to an agreement so clearly inconsistent with constitutional principles, and which threatens the rights of all Americans.

Article 13: Forfeiting Control of American Supply Chains

Article 13 of the proposed pandemic agreement negotiating text may be its most alarming element. If adopted, this article could forfeit America’s sovereignty over our own supply chains and task the WHO with managing the world’s resources through a Global Supply Chain and Logistics (SCL) Network during the next pandemic. America’s supply chain emerged stronger than ever under the Trump-Pence Administration. By cutting red tape and entering public-private partnerships, the Administration paved the way for a highly effective, free-market driven response to the COVID crisis. The Trump-Pence Administration delivered millions of rapid tests and personal protective equipment (PPE) to nursing homes, developed a vaccine at warp-speed, and cut regulations to accelerate test and PPE production. The Administration’s response demonstrated that greater freedom, with government support where essential, was the answer. Relinquishing American sovereignty to international bureaucrats in Geneva would undermine America’s ability to respond appropriately to a future pandemic.

While ensuring international coordination and collaboration during a global pandemic is certainly an admirable goal, every-day Americans have been kept in the dark regarding the true contents of this agreement. To this end, we encourage HHS to ensure that the interests of the American people

¹⁷ <https://www.heritage.org/public-health/commentary/covid-19-origins-experts-consulted-fauci-suddenly-changed-their-minds>

¹⁸ <https://www.nationalreview.com/2021/11/anthony-fauci-i-am-the-science/>

¹⁹ <https://www.nbcnews.com/politics/politics-news/us-intelligence-agencies-remain-divided-likely-covid-origin-rcna90914>

²⁰ <https://nypost.com/2023/07/31/dr-anthony-faucis-caught-in-his-biggest-covid-lie-yet/>

²¹ <https://www.newsweek.com/ag-says-dr-fauci-cant-recall-practically-anything-covid-response-1761967>

²² [23-30445-CV0.pdf \(uscourts.gov\)](https://www.uscourts.gov/23-30445-CV0.pdf)

are put first and not subjugated to the third-rate bureaucrats tasked with supposedly running the WHO.

Conclusion

In May of 2024, the WHO will gather to review and negotiate its proposed pandemic agreement. We encourage America's representatives to remember another day in May: Memorial Day – the day we pause to remember all those who served in uniform and made it home. Our great veterans did not wear the uniform in vain or to subjugate American sovereignty to those abroad.

In his Farewell Address, our first President George Washington encouraged the American people to avoid foreign interference. President Washington said, “Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.”²³ His words must not fall on deaf ears today.

The United States should withdraw from the World Health Organization, not further enmesh itself in an unsalvageable body that rejects American leadership in favor of the Chinese Communist Party's quest for world domination. The Trump-Pence Administration was right to cut off American tax dollars to, and to formally withdraw from the WHO.

Approving the proposed agreement – or anything substantially similar – is an affront to the United States of America and her people's sovereignty. Because any agreement likely to result from these negotiations will harm American interests, the US should refuse to engage in these negotiations. Considering these and other concerns, if the Biden Administration insists on participating, it must at least reject any agreement that undermines American sovereignty and freedom.

²³ <https://usa.usembassy.de/etexts/democrac/49.htm>.