

An Open Letter to ALL of the Members of the Select Subcommittee for the Coronavirus Pandemic

To All Members of the Select Subcommittee for the Coronavirus Pandemic:

Thank you for scheduling a meeting of the Select Subcommittee for the Coronavirus Pandemic entitled: Reforming the WHO: Ensuring Global Health Security and Accountability.

I note, with great interest, that Loyce Pace will be a witness at the hearing. Ms. Pace should be able to provide you with detailed information regarding the rapidly approaching deadline (December 1, 2023) for the REJECTION of the package of amendments to the International Health Regulations (IHR) that were adopted by the 75th World Health Assembly on May 27, 2022.

SUMMARY VIDEO:

<https://www.youtube.com/watch?v=tLNbmudd3IQ>

Background:

Ms. Pace submitted a package of amendments to the World Health Organization on January 18, 2022. [LINK](#)

One of the amendments (Article 59) sought to reduce the time during which future amendments could be rejected by member nations from 18 months to 6 months. Apparently, the Biden Administration sought to shorten the time to consider the additional 300+ amendments to the IHR that are currently being negotiated. This exceedingly large package of amendments are scheduled to be considered for adoption during the 77th World Health Assembly from May 27 to June 1, 2024.

Under Article 59 of the current IHR, there is an 18 month time period during which each nation may reject any amendments to the IHR. By attempting to shorten this deadline to 6 months, the Biden Administration acted to change the rules so that it could “run out the clock” before the end of their term in office.

If the amendments that Ms. Pace submitted had been allowed to enter into force, any amendments adopted during the upcoming 77th World Health Assembly would have required rejection to occur by December 1, 2024. This would have severely reduced the period of time to properly consider the extremely large number of amendments and would have given the Biden Administration complete control over the process BEFORE his term in office ends on January 20, 2025.

However, on May 24, 2022, the Biden administration, along with Australia, Bosnia and Herzegovina, Colombia, the European Union and its Member States, Japan, Monaco, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland CLEARLY VIOLATED Article 55 of the International Health Regulations by submitting a different package of amendments to 5 Articles of the IHR, DURING THE WORLD HEALTH ASSEMBLY. [LINK](#)

Article 55 of the International Health Regulations clearly states:

The text of any proposed amendment shall be communicated to all States Parties by the Director-General at least four months before the Health Assembly at which it is proposed for consideration.

This act by the Biden administration was a clear violation of Article 55 of the International Health Regulations. The blatant hypocrisy of submitting a package of amendments to the International Health Regulations during the World Health Assembly and ignoring the four month advance notice requirement in Article 55 was compounded by the ironic fact that the package of amendments actually included an amendment to Article 55.

On May 27, 2022, the 75th World Health Assembly adopted a package of amendments to five articles to the International Health Regulations. [LINK VIDEO](#)

There is NO health benefit to be gained by shortening the time period during which people around the world will have to discuss and consider future amendments to the IHR.

Clearly, the amendments to 5 Articles of the IHR that were adopted on May 27, 2022 have not been publicly scrutinized at all for the past 17 months. In fact, these amendments increase the risk that harmful amendments can become legally-binding WITHOUT ADEQUATE TIME TO GIVE THEM THE PROPER SCRUTINY.

TIME IS OF THE ESSENCE.

THESE AMENDMENTS MUST BE REJECTED BY DECEMBER 1, 2023.

QUESTIONS FOR LOYCE PACE:

Please ask Loyce Pace as many of the following questions as time permits and submit these questions to her in writing and request a very prompt reply, because the deadline (December 1, 2023) to reject the amendments that were adopted by the 75th World Health Assembly is rapidly approaching.

1. Is it true that you were the government official that signed and submitted a package of proposed amendments to 13 Articles to the International Health Regulations on behalf of the Biden Administration on January 18, 2022? [[LINK](#)]
2. Can you confirm that December 1, 2023 is the date by which Heads of State around the world may formally REJECT amendments to five Articles of the IHR that were adopted by the 75th World Health Assembly on May 27, 2022? [[LINK TO DOCUMENT](#)] [[LINK CONFIRMING THE DATE](#)]
3. Is it true that the International Health Regulations were originally adopted by the World Health Assembly in July 1969 as a sole executive agreement that was never properly submitted to the Senate for their advice and consent in order to be considered a treaty under the United States Constitution? [[LINK](#)] (page 37)
4. Is it true that the process by which amendments to the International Health Regulations enter into legally binding force does NOT stipulate that individual member states must properly ratify amendments according to their individual nation's Constitution or other requirements?
5. Is it true that the process by which amendments enter into legally-binding force is by tacit acceptance, that is to say that our silence on this issue is interpreted to be our consent, and that if we simply say nothing or do nothing before December 1, 2023, then the amendments that were adopted on May 27, 2022 will appear to enter into legally-binding force on June 1, 2024?
6. When were President Joe Biden, Vice President Kamala Harris and Secretary of State Antony Blinken first informed of the fact that the deadline to REJECT these amendments is December 1, 2023? What did they know and when did they know it? [**DOCUMENTATION REQUESTED**]
7. In an interview earlier this year, Xavier Becerra, the Secretary of the Department of Health and Human Services stated quite clearly that the Federal Government does not have any authority over health care. Do you concur? [[VIDEO](#)]
8. From which Article and Section of the United States Constitution do you derive any authority to involve yourself in any official capacity regarding health-related issues? [**CITATION REQUESTED**]
9. Can you provide a delegation of authority letter that authorizes you to participate in negotiations

regarding the International Health Regulations? **[DOCUMENTATION REQUESTED]**

10. **To whom has the Secretary of State (Antony Blinken) officially delegated the authority to negotiate the proposed amendments to the International Health Regulations?**
[DOCUMENTATION REQUESTED]

11. In the announcement that you made on January 26, 2022, you claimed that the proposed amendments to the International Health Regulations were developed through a process that was inclusive and transparent. Who was included? Where may I find the minutes or recordings of the public proceedings that document this supposedly transparent process? [\[LINK\]](#)

12. Were the proposed amendments to 13 Articles of the IHR that you submitted ever published on a United States Government website of either the Secretary of State, or the Department of Health and Human Services? Could you please provide a link to the web page on which such documentation was published?
[LINK REQUESTED]

13. Were the proposed amendments ever published in the Federal Register? Could you please provide a link to the document? **[LINK REQUESTED]**

14. Is it true that the first time the package of amendments to 13 Articles of the IHR that you personally submitted were officially made public by the World Health Organization was April 12, 2022, less than 6 weeks prior to the 75th World Health Assembly? [\[LINK\]](#)

15. Are you familiar with the Foreign Affairs Manual which details the many responsibilities of the office or officers conducting negotiations? [\[LINK\]](#)

16. As stated in Title 18, §181.2(d): “*Extensions and modifications of agreements. If an undertaking constitutes an international agreement within the meaning of the Act and of [1 U.S.C. 112a](#), then a subsequent extension or modification of such an agreement would itself constitute an international agreement within the meaning of the Act and of [1 U.S.C. 112a](#).*” Do you agree that changes to international agreements are, in and of themselves, considered to be international agreements?

17. As required by 11 FAM 724.3(b): Please provide the “memorandum of law prepared in the Office of the Legal Adviser” that was required as part of the action memorandum. **[DOCUMENTATION REQUESTED]**

18. As required by 11 FAM 724.3(3): “*The request in each instance states that any substantive changes in the draft text will be cleared with the Office of the Legal Adviser and other specified regional and/or functional bureaus before definitive agreement is reached.*” Did you inform and consult with the Office of the Legal Adviser, (Richard C. Viseck) regarding the proposed amendments that you submitted to the World Health Organization? Did you receive written clearance from the Office of the Legal Adviser before accepting the changes to the proposed amendments that were made just prior to the United States’ tacit acceptance of the amendments on May 27, 2022? [\[LINK\]](#) **[DOCUMENTATION REQUESTED]**

19. As required by 11 FAM 725.1(5): “*With the advice and assistance of the Assistant Secretary for Legislative Affairs, the appropriate congressional leaders and committees are advised of the intention to negotiate significant new international agreements, consulted concerning such agreements, and kept informed of developments affecting them, including especially whether any legislation is considered necessary or desirable for the implementation of the new treaty or agreement.*” Which members of the House or the Senate were informed of these proposed amendments as required? **[DOCUMENTATION REQUESTED]**

20. As required by 11 FAM 725.1(5): “*Where the proposal for any especially important treaty or other international agreement is contemplated, the Office of the Assistant Secretary for Legislative Affairs will be informed as early as possible by the office responsible for the subjects;*” When did you first inform the Assistant Secretary for Legislative Affairs regarding the submission of amendments to the International Health Regulations? Please provide all communication with the Secretary for Legislative Affairs regarding these amendments. **[DOCUMENTATION REQUESTED]**

21. As required by 11 FAM 725.1(6): “*The interest of the public be taken into account and, where in the opinion of the Secretary of State or his or her designee the circumstances permit, the public be given an opportunity to comment;*” Was the public ever given an opportunity to comment on this matter? Please provide a link to the notice for public comment that was published in the Federal Register. Please provide of a link to the archive of these public comments? **[DOCUMENTATION AND LINKS REQUESTED]**
22. As required by Title 22 §181.4(a): “*Except as provided in [§ 181.3\(c\) of this part](#), no agency of the U.S. Government may conclude an international agreement, whether entered into in the name of the U.S. Government or in the name of the agency, without prior consultation with the Secretary of State or his designee.*” As documented in the video record of the meetings, the events leading up to the adoption of the amendments at the 75th World Health Assembly on May 27, 2022 were secretive and hurried. Can you provide documentation that the United States delegates to the World Health Assembly had consulted with the Secretary of State prior to their tacit acceptance of the package of amendments to the International Health Regulations. **[VIDEO] [DOCUMENTATION OF PRIOR CONSULTATION REQUESTED]**
23. As required by 11 FAM 725.1(7): “*In no case, after accord has been reached on the substance and wording of the texts to be signed, do the negotiators sign an agreement or exchange notes constituting an agreement until a request under [11 FAM 724.3](#) for authorization to conclude has been approved and, if at a post abroad, until instructed by the Department to do so as stated in [11 FAM 731.3](#).*” Did you request and receive an authorization to conclude and approve? **[DOCUMENTATION REQUESTED]**

FOREIGN AFFAIRS MANUAL [\[LINK\]](#)

11 FAM 724.3 Request for Authorization to Negotiate and/or Sign Action Memorandum

a. A request for authorization to negotiate and/or *conclude* a treaty or other international agreement takes the form of an action memorandum addressed to the Secretary or other principal to whom such authority has been delegated, as appropriate, and cleared with the Office of the Legal Adviser (*L*) (including the Assistant Legal Adviser for Treaty Affairs), the Office of the Assistant Secretary for Legislative Affairs, other appropriate bureaus, and any other agency (such as Defense, Commerce, etc.) which has primary responsibility or a substantial interest in the subject matter.

b. The action memorandum may request one of the following:

- (1) Authority to negotiate;
- (2) Authority to *conclude*; or
- (3) Authority to negotiate and *conclude*.

The request in each instance states that any substantive changes in the draft text will be cleared with the Office of the Legal Adviser and other specified regional and/or functional bureaus before definitive agreement is reached. Drafting offices should consult closely with the Office of the Legal Adviser (*L*) to ensure that all legal requirements are met.

c. The action memorandum indicates what arrangements *have been made and/or* are planned as to: (1) congressional consultation and (2) opportunity for public comment on the treaty or agreement being negotiated, signed, or acceded to.

d. The action memorandum shall indicate whether a proposed treaty or agreement embodies a commitment to furnish funds, goods, or services beyond or in addition to those authorized in an approved budget; and if so, *what arrangements are being planned or carried out concerning consultation with the Office of Management and Budget (OMB) for such commitment. The Department will not authorize such commitments without confirmation that the relevant budget approved by the President requests or provides funds adequate to fulfill the proposed commitment or that the President has made a determination to seek the required funds.*

e. *The action memorandum shall indicate whether a proposed treaty or agreement embodies a commitment that could reasonably be expected to require (for its implementation) the issuance of a "significant regulatory action" (as defined in section 3 of Executive Order 12866); and if so, what arrangements are being planned or carried out concerning timely consultation with OMB. The Department will not authorize such commitments without confirmation that OMB has been consulted in a timely manner concerning the proposed commitment.*

f. Where it appears that there may be *issues regarding* the public disclosure of the text of an agreement upon its *signature or* entry into force, the action memorandum shall include an explanation thereof (see [11 FAM 725.2](#) and [11 FAM 725.3](#)).

g. An action memorandum dealing with an agreement that has a potential for adverse environmental impact should contain a statement indicating whether the agreement will significantly affect the quality of the human environment.

h. The action memorandum is accompanied by:

- (1) The U.S. draft, if available, of any agreement or other instrument intended to be negotiated; or
- (2) The text of any agreement and related exchange of notes, agreed minutes, or other document to be signed (with appropriate clearances, including *that of* the Assistant Legal Adviser for Treaty Affairs); and
- (3) A memorandum of law prepared in the Office of the Legal Adviser.

i. These provisions shall apply whether a proposed international agreement is to be concluded in the name of the U.S. Government or in the name of a particular agency of the U.S. Government. However, in the latter case, the action memorandum may be addressed to the interested Assistant Secretary or Secretaries of State, or their designees in writing, unless such official(s) judge that consultation with the Secretary, Deputy Secretary or an Under Secretary is necessary. (See 22 CFR 181.4.)

<https://fam.state.gov/FAM/11FAM/11FAM0720.html>

11 FAM 725 RESPONSIBILITY OF OFFICE OR OFFICER CONDUCTING NEGOTIATIONS

11 FAM 725.1 Conduct of Negotiations

The office or officer responsible for any negotiations keeps in mind *that*:

- (1) *During* the negotiations no position is communicated to a foreign government or to an international organization as a U.S. position that goes beyond any existing authorization or instructions;

- (2) No proposal is made or position is agreed to beyond the original authorization without appropriate clearance (see [11 FAM 722.3](#), paragraph a);
- (3) All significant policy-determining *memoranda* and instructions to the field on the subject of the negotiations have appropriate clearance (see [11 FAM 724.3](#), paragraph a);
- (4) The Secretary or other principal, as appropriate, is kept informed in writing of important policy decisions and developments, including any particularly significant departures from substantially standard drafts that have evolved;
- (5) With the advice and assistance of the Assistant Secretary for Legislative Affairs, the appropriate congressional leaders and committees are advised of the intention to negotiate significant new international agreements, consulted concerning such agreements, and kept informed of developments affecting them, including especially whether any legislation is considered necessary or desirable for the implementation of the new treaty or agreement. Where the proposal for any especially important treaty or other international agreement is contemplated, the Office of the Assistant Secretary for Legislative Affairs will be informed as early as possible by the office responsible for the subjects;
- (6) The interest of the public be taken into account and, where in the opinion of the Secretary of State or his or her designee the circumstances permit, the public be given an opportunity to comment;
- (7) In no case, after accord has been reached on the substance and wording of the texts to be signed, do the negotiators sign an agreement or exchange notes constituting an agreement until a request under [11 FAM 724.3](#) for authorization to *conclude* has been approved and, if at a post abroad, until instructed by the Department to do so as stated in [11 FAM 731.3](#). If an agreement is to be signed in two languages, each language text must be cleared in full with the Language Services Division or, if at a post abroad, with the Department before signature, as stated in [11 FAM 724.6](#);
- (8) Due consideration is given also to the provisions of [11 FAM 725.2](#) through [11 FAM 725.9](#), [11 FAM 731.3](#), and [11 FAM 732](#) of this chapter; and
- (9) In any case where any other department or agency is to play a primary or significant role or has a major interest in negotiation of an international agreement, the appropriate official or officials in such department or agency are informed of the provisions of this subchapter.

<https://fam.state.gov/FAM/11FAM/11FAM0720.html>

Sincerely,

James Roguski

310-619-3055

<https://jamesroguski.substack.com/p/questions-for-loyce-pace>