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**Congress of the United States**  
**House of Representatives**  
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COMMITTEE ON FOREIGN AFFAIRS  
RANKING MEMBER OF THE SUBCOMMITTEE ON  
THE WESTERN HEMISPHERE, CIVILIAN SECURITY,  
MIGRATION AND INTERNATIONAL ECONOMIC POLICY  
SUBCOMMITTEE ON ASIA, THE PACIFIC,  
CENTRAL ASIA AND NONPROLIFERATION  
COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON TACTICAL AIR AND  
LAND FORCES  
SUBCOMMITTEE ON READINESS  
SELECT SUBCOMMITTEE ON  
THE CORONAVIRUS CRISIS

May 24, 2022

The Honorable Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President,

I write to express concern about your Administration's efforts to deepen America's involvement in the World Health Organization. The COVID-19 pandemic has revealed the deep corruption of this international organization, which colluded with the Chinese Communist Party to downplay the initial outbreak of the virus and further assisted the CCP in restricting investigations into the origins of the pandemic.

I would remind your Administration that the executive does not have the constitutional authority to commit the United States to a binding treaty without the advice and consent of the Senate. While the President holds the authority to negotiate treaties with foreign powers, the Constitution requires the Senate to concur before any treaties are binding on the American people. This is an essential safeguard that the Framers established in Article II of the Constitution as limiting executive power. As explained in Federalist 69, this was one of the key differences between the American presidency and the British monarchy. The king could "of his own accord make treaties of peace, commerce, alliance, and of every other description." The President can only enter the nation into such binding agreements "with the concurrence of a branch of the legislature." A nation's pledge is a solemn commitment, and treaties should never be entered into without cautious deliberation and widespread consensus among the American people.

Throughout American history, congressional opposition has stopped the ratification of several significant treaties when senators expressed concerns that such treaties might infringe upon the sovereignty of the United States and constrict America's independence on the world stage. The most famous of these is Woodrow Wilson's Treaty of Versailles, which failed in two separate Senate votes, but there have been other treaties in more recent decades which have failed to receive the concurrence of the Senate.

Treaties are not easy to make. That is a feature of our constitutional system, not a bug. Accordingly, I would warn you against any attempt to unconstitutionally circumvent Congress by labeling such an agreement with the WHO as an executive agreement. While such a designation has often been used for agreements of minor importance, a President who seeks to pass off a binding international agreement on an issue of significant importance as an executive agreement makes a mockery of the Constitution. There is only one avenue for making treaties that are binding as the supreme law of the land, and it runs through the Senate.

Furthermore, the treaty power itself has limits. Treaties and international agreements cannot be used as a way to circumvent the Constitution's requirements. In other words, the treaty power isn't a blank check. In today's world, almost any activity can have some remote or indirect effect on foreign affairs, but that would not make it the proper object of an international treaty. A treaty that purported to turn over the states' traditional authority over public health and safety to an unelected international body would be such a violation of our constitutional system that it would arguably have no binding effect on the states. If the federal government does not have the power to place an imposition on the states on a matter through ordinary legislation, then it cannot gain such power through the treaty process.

I urge you to refuse any American commitment that does not adhere to the requirements of the Constitution's Treaty Clause or which would upend our constitutional structure by infringing upon the rightful powers reserved to the states.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

Mark E. Green, M.D.  
Member of Congress