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THE ENROLLED BILL IS HERE
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

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THE DIRECTOR

May 24, 2001

APPROVED
MAY 28 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 428 - Concerning the participation of Taiwan in the World Health Organization
Sponsors - Rep. Brown (D) Ohio and 92 cosponsors

Last Day for Action

May 30, 2001 - Wednesday

Purpose

(1) Authorizes the Secretary of State to initiate -- and to instruct the U.S. delegation to implement -- a plan to endorse and obtain observer status for Taiwan at the May 14-22, 2001, annual summit of the World Health Assembly (WHA); and (2) requires the Secretary to submit to Congress a report containing the plan.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval
National Security Council (NSC)	Approval (Informally)
Department of Justice	Defers
Department of Health and Human Services	Defers (Informally)

Discussion

The WHA is the annual ministerial-level meeting of the 191 member states of the World Health Organization (WHO) and the WHO's highest governing body. This year's WHA was held May 14-22, 2001, in Geneva, Switzerland.

H.R. 428 would authorize the Secretary of State to: (1) initiate a plan to endorse and obtain observer status for Taiwan at the WHA summit held earlier this month; and (2) instruct the U.S. delegation to Geneva to implement that plan. The Secretary would be required to submit to Congress a written report containing the plan no later than 14 days after the enactment of H.R. 428.

The WHO requires statehood for membership, and its constitution does not explicitly allow for observers in the WHA. The WHA, however, has previously voted to allow observers (e.g., the Palestinian Liberation Organization) to participate in the activities of the organization. Since 1994, the State Department has worked with the Taiwanese authorities to identify and promote ways for Taiwan to informally participate in the WHO and other international organizations where membership is not feasible. In 1997, the WHA voted on a motion to grant Taiwan observer status, but the measure failed overwhelmingly.

Agency Views

The Department of State recommends approval of H.R. 428. State advises that "[t]he bill has little practical impact as the final legislation arrived at the White House after the WHA had completed consideration of the Taiwan observer issue." The Department informally advises that its report to Congress pursuant to H.R. 428 will reflect the conclusion of the WHA summit and the fact that the Taiwan observer issue was raised and set aside without action.

The Department of Justice expresses concerns with the enrolled bill's requirement that the Secretary of State submit a report to Congress and recommends that any signing statement "construe this legislation to encourage, but not require" the report required by H.R. 428 to contain the State Department's plan to promote observer status for Taiwan. Justice advises informally that it does not consider a signing statement essential for this bill, and State recommends that no signing statement be issued.

Conclusion and Recommendation

We join State and NSC in recommending the approval of H.R. 428, which originally passed the House by a vote of 407-0 and passed the Senate amended by unanimous consent. The House concurred in the Senate amendment by a vote of 415-0.

M E Daniels, Jr.

Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

Concerning the participation of Taiwan in the World Health Organization.

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

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is larger than that of $\frac{3}{4}$ of the member states already in the World Health Organization (WHO).

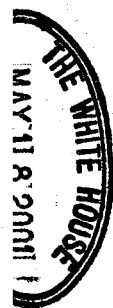
(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.



(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106-137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

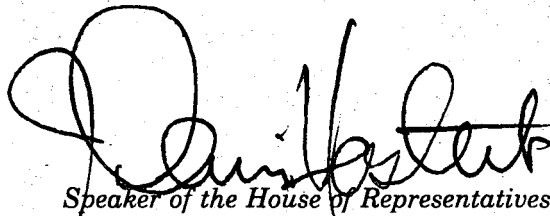
(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

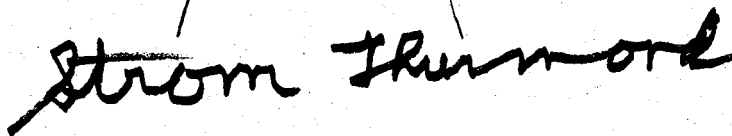
(b) PLAN.—The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2001 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a written report to the Congress in unclassified form containing the plan authorized under subsection (b).


Speaker of the House of Representatives.



~~Vice President of the United States and~~
President of the Senate.

pro Tempore

APPROVED
MAY 28 2001

