



President-Elect Trump's Cabinet and Staff Appointments

The following memo includes background information about the federal nomination process, ways for individual members to get involved in advocacy efforts to support or oppose nominations, and brief biographical information about President-Elect Trump's healthcare nominations.

The Maine Medical Association and Maine Osteopathic Association [have publicly opposed](#) the nomination of Robert F. Kennedy Jr. as Secretary of the Department of Health and Human Services (HHS). However, this memo aims to be an educational resource so that our members can be informed and learn how to engage in some federal advocacy. It is not a comprehensive guide to each nomination, and each member is encouraged to do their own research.

Background Information

Article II, Section 2, Clause 2 of the United State's Constitution - often known as the "Appointments Clause" dictates the process for how certain positions within the federal government are filled:

*[A]nd he shall nominate, and by and with the **Advice and Consent of the Senate**, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, **and all other Officers of the United States**, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.*

[U.S. Const. Art. II, § 2, cl. 2.](#) The United States Supreme Court interpreted "Officers of the United States" as an appointee who will exercise "significant authority." [Buckley v. Valeo, 424 U.S. 1, 132 \(1976\)](#). Although this definition leaves some ambiguity, the following healthcare-related positions¹ have been long determined to require a majority vote of the Senate to consent.

- Secretary of the Department of Health and Human Services (HHS)
- Deputy Secretary of the Department of Health and Human Services
- Director of the Centers for Disease Control and Prevention (CDC)
- Director of the National Institutes of Health (NIH)
- Commissioner of Food and Drug Administration (FDA)
- Administrator for the Centers for Medicare & Medicaid Services (CMS)
- Surgeon General

The nomination process has been established over time and includes the following steps:

¹ There are many other positions within the federal government that are healthcare related (like the Secretary of Veterans Affairs), but these are considered to be the most related.

1. President (or President-Elect, as is often the case) nominates a person for the position. A president is able [to nominate](#) around 4,000 political appointments and 1,200 of them require Senate confirmation.
2. The nomination is referred to the Senate committee(s) with jurisdiction over the position, so the Secretary of the Department of Health and Human Services (HHS) would be referred to the Health, Education, Labor and Pensions Committee and the United States Senate Committee on Finance, which has jurisdiction over Medicare and Medicaid. The committees hold hearings to evaluate the nominee's qualifications and potential conflicts of interest, which is aided by an FBI background check on each nominee. The committee then votes on the nominee and sends their recommendation to the full Senate.
3. Senate debates and takes a vote on the nominee. A simple majority is required, but if there is a tie, the Vice President casts the vote.

However, the Constitution also allows a President to fill positions while the Senate is in recess.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

[U.S. Const. Art. II, § 2, cl. 3](#). In 2014, in [NLRB v. Canning](#), the United States Supreme Court remarked on this clause. It held that “if a recess—whether inter or intra-session— lasts 10 days or longer, a president can make recess appointments, including for vacancies that happened while the Senate was in session. The person appointed by the president would serve in office through the end of the next annual session.”² If the person is not confirmed before the deadline, then the position will become vacant.

Advocacy Opportunities

1. **Contact Senator Collins and Senator King to share your support or opposition!** Be sure to share concrete examples of your reasoning. You can email, call, request an appointment, or even visit the various in-state office locations. They must know the opinion of their constituents since they hold such an important role in the nominations.
 - a. [Contact Senator Collins](#)
 - b. [Contact Senator King](#)
2. **Write an Op-Ed or Letter to the Editor in your Local Newspaper!** Each of you has a unique perspective that is important to share with the public. Your article should share information about the nominee, provide background about what these offices do and how it affects healthcare, and encourage outreach to Senator Collins and Senator King. Check out a couple of op-eds written by our members!
 - a. [Robert Kennedy’s nomination to head HHS puts the health of Americans at risk](#)

² <https://constitutioncenter.org/blog/understanding-the-constitutions-recess-appointments-clause>.

- b. [Opinion: RFK Jr's nomination is irresponsible and dangerous](#)
- 3. **Join local and national advocacy groups working directly on the nominations.** A few groups are listed below, but we will continue to share resources in our e-newsletters. Please reach out if you have an organization that you would like us to share.
 - a. Healthcare Advocates for Maine (HAME): please reach out to meproviderstandup@gmail.com for more information on how to join.
 - b. National Organizations
 - i. [Committee to Protect Health Care](#)
 - ii. [Protect Our Care](#)

President-Elect Trump's Nominees

Secretary of the Department of Health and Human Services (HHS)

President-Elect Trump has nominated Robert F. Kennedy Jr to be the Secretary of Health and Human Services; [he noted](#) that he would restore the nation's health agencies "I am thrilled to announce Robert F. Kennedy Jr. as The United States Secretary of Health and Human Services (HHS). For too long, Americans have been crushed by the industrial food complex and drug companies who have engaged in deception, misinformation, and disinformation when it comes to Public Health. The Safety and Health of all Americans is the most important role of any Administration, and HHS will play a big role in helping ensure that everybody will be protected from harmful chemicals, pollutants, pesticides, pharmaceutical products, and food additives that have contributed to the overwhelming Health Crisis in this Country. Mr. Kennedy will restore these Agencies to the traditions of Gold Standard Scientific Research, and beacons of Transparency, to end the Chronic Disease epidemic, and to Make America Great and Healthy Again!"



Kennedy graduated from Harvard University and then studied at the London School of Economics. He received his law degree from the University of Virginia Law School and his Master's in Environmental Law from Pace University School of Law. He has had a long career as an environmental lawyer.

Statements from him about healthcare:

- [Vaccinations](#)
 - [Started Children's Health Defense](#): "Our mission is ending childhood health epidemics by eliminating toxic exposure. We will restore and protect the health of children by eliminating environmental exposures, holding responsible parties accountable, and establishing safeguards to prevent future harm of children's health." It believes that vaccine mandates violate health freedom because "vaccines

contain many ingredients, some of which are known to be neurotoxic, carcinogenic and cause autoimmunity.”

- [In 2005](#), Kennedy wrote an article for Salon and Rolling Stones that noted that “that the mercury-based thimerosal compound present in vaccines until 2001 was dangerous, and that he was ‘convinced that the link between thimerosal and the epidemic of childhood neurological disorders is real.’”
- [Food and Drug Administration \(FDA\)](#)
 - “FDA’s war on public health is about to end ... This includes its aggressive suppression of psychedelics, peptides, stem cells, raw milk, hyperbaric therapies, chelating compounds, ivermectin, hydroxychloroquine, vitamins, clean foods, sunshine, exercise, nutraceuticals and anything else that advances human health and can’t be patented by Pharma. If you work for the FDA and are part of this corrupt system, I have two messages for you: 1. Preserve your records, and 2. Pack your bags.”

For more information:

- [Group of Experts Says R.F.K. Jr. Would ‘Significantly Undermine’ Public Health](#)
- [Can RFK Jr make America's diet healthy again?](#)

Deputy Secretary of the Department of Health and Human Services



President-Elect Trump has nominated Jim O’Neill to be the Deputy Secretary of the Department of Health and Human Services; [he noted that](#) “He will oversee all operations and improve Management, Transparency, and Accountability to, Make America Healthy Again.”

In that role, The deputy secretary oversees all operations within the Department, including overseeing Medicare, Medicaid, public health, medical research, food and drug safety, welfare, child and family services, disease prevention, Indian health, and mental health services. The deputy secretary is also the regulatory policy officer for the department, overseeing the development and approval of all HHS regulations and significant guidance.

O’Neill attended, graduated from Yale University, and then received his Master of Arts from the University of Chicago. During the early 2000s, he worked in various positions in the federal government, including the Director of the Speech and Editorial Division of HHS, the Associate Deputy Secretary and Senior Advisor to the Deputy Secretary of State of HHS, and then the Principal Associate Deputy Secretary of HHS.

Statements from him about healthcare:

- [Food and Drug Administration](#): “We should reform FDA so that it is approving drugs after their sponsors have demonstrated safety ... let’s prove efficacy after they’ve been legalized.”
- [Federal Government and Healthcare](#): “Many Americans think we have free markets in health care. We don't. Hundreds of bureaucratic rules, perverse incentives, and opaque pricing make health care more expensive and less efficient than it should be. Providers of care are usually paid by volume, not outcomes. And government makes chronic disease worse by subsidizing unhealthy food and offering poor nutritional advice to families who are trying their best to stay healthy.
- [Access to Physicians](#): “One reason health care is too expensive is an artificial cap on the number of doctors. We have fewer general practitioners than many other countries, which drives costs up. A bipartisan reform to remove bottlenecks and correct incentives would make health care more affordable.”

For more information:

- [Trump picks Jim O’Neill for No. 2 spot at HHS](#)
- [Jim O’Neill, Silicon Valley investor, favored for HHS deputy secretary](#)

Director of the Centers for Disease Control and Prevention (CDC)

President-Elect Trump has nominated Dave Weldon, M.D., to be the Director of the Centers for Disease Control and Prevention; [he stated that](#) “In addition to being a Medical Doctor for 40 years, and an Army Veteran, Dave has been a respected conservative leader on fiscal and social issues ... Americans have lost trust in the CDC and in our Federal Health Authorities, who have engaged in censorship, data manipulation, and misinformation. Given the current Chronic Health Crisis in our Country, the CDC must step up and correct past errors to focus on the Prevention of Disease.”



Weldon attended Stony Brook University and the University at Buffalo School of Medicine. After graduating from medical school, he served in the United States Army and United States Army Reserve. He served as a congressman in Florida. Recently, he was running a private medical practice in Florida.

Statements from him about healthcare:

- [CDC](#) - “There's an enormous inherent conflict of interest within the CDC, and if we fail to move vaccine safety to a separate independent office, safety issues will remain a low priority and public confidence in vaccines will continue to erode,” said Weldon, noting that across the federal government similar conflicts of interests have been remedied, but with regard to mandatory childhood vaccines the conflict continues to persist unchecked. “This bill will provide the independence necessary to ensure that vaccine safety research is robust,

unbiased, free from conflict of interest criticism, and broadly accepted by the public at large."

- [Bioethics](#) - "What I was not expecting when I first ran for Congress was the degree of involvement I would have on a number of bioethical issues. These include the criminalization of attempts at human cloning and the use of taxpayer dollars to fund research that will involve the creation, use, and ultimate destruction of human embryos. Related to the debate is a medical ethics component. Human cloning and human embryonic stem cell research will require human eggs in large numbers and, therefore, women donors. If we say human cloning and embryo research is okay, have we just turned women into a commodity for their eggs? ... It is critical that we begin asking these questions and start having this discussion now. A thorough public policy debate is critical but it must be based on science, substance, and standards (ethics). Leave out any one of these components and you have a recipe for failure. Let us learn from the past as we press on to the future."

For more information:

- [Former Florida congressman Dave Weldon picked as CDC director](#)
- [Trump picks former congressman Dave Weldon of Florida to lead CDC](#)

Director of the National Institutes of Health (NIH)



President-Elect Trump has nominated Jay Bhattacharya, MD, to be the Director of NIH; [he stated that](#) "Together, Jay and RFK Jr. will restore the NIH to a Gold Standard of Medical Research as they examine the underlying causes of, and solutions to, America's biggest Health challenges, including our Crisis of Chronic Illness and Disease."

Bhattacharya graduated from Stanford University with a Bachelor of Arts and Master of Arts in economics. He continued at Stanford to attend Medical School and obtain his Ph.D in economics. He has worked as an economist at the RAND Corporation. He currently holds a variety of positions at Stanford, including Directing Stanford's Center for Demography and Economics of Health and Aging.

Statements from him about healthcare:

- [Covid-19 lockdown](#) - "Coming from both the left and right, and around the world, we have devoted our careers to protecting people. Current lockdown policies are producing devastating effects on short and long-term public health. The results (to name a few) include lower childhood vaccination rates, worsening cardiovascular disease outcomes, fewer cancer screenings and deteriorating mental health – leading to greater excess mortality in years to come, with the working class and younger members of society carrying the heaviest burden. Keeping students out of school is a grave injustice."

- [Creation of a Covid-19 Commission](#) - “America’s response to the COVID-19 pandemic failed on many levels of government and in many aspects. Certainly, deaths are unavoidable during a pandemic. However, too many U.S. policy makers concentrated efforts on ineffective or actively harmful and divisive measures such as school closures that generated enormous societal damage without significantly lowering COVID-19 mortality, while failing to protect high-risk Americans. As a result, Americans were hard hit both by the disease and by collateral damage generated by misguided pandemic strategies and decisions that ignored years of pandemic preparation guidance crafted by numerous public health agencies, nationally and internationally.”

For more information:

- [Medicine professor Jay Bhattacharya, COVID lockdown critic, selected to lead NIH](#)
- [Jay Bhattacharya now top candidate to be Trump’s pick for NIH director](#)

Commissioner of Food and Drug Administration (FDA)

President-Elect Trump has nominated Martin (Marty) Makary, MD, MPH, to be the director of the FDA; [he noted that](#) “FDA has lost the trust of Americans, and has lost sight of its primary goal as a regulator ... The agency needs Dr. Marty Makary, a highly respected Johns Hopkins surgical oncologist and health policy expert, to course-correct and refocus the agency...He will work under the leadership of Robert F. Kennedy Jr. to, among other things, properly evaluate harmful chemicals poisoning our Nation's food supply and drugs and biologics being given to our Nation's youth so that we can finally address the Childhood Chronic Disease Epidemic.”



He attended Bucknell, Thomas Jefferson University, and Harvard University. He did his residency at Georgetown. He is a contributor to The Washington Post and The Wall Street Journal and has written three books. He is currently the chief of Islet Transplant Surgery at Johns Hopkins University.

Statements from him about healthcare:

- [Covid-19 Vaccine](#): “President Biden declared last week that a new Covid booster shot ‘works’ and is ‘necessary.’ He said he would ask Congress to fund it and ‘it will likely be recommended that everybody get it no matter whether they’ve gotten it before.’ Is this our new drug-approval process? There are no human-outcomes data on this new shot, which the Food and Drug Administration is expected to approve in the next two weeks.”
- [FDA](#): “COVID has given us a clear-eyed look at a broken Food and Drug Administration that’s mired in politics and red tape. Americans can now see why medical advances often move at

turtle speed. We need fresh leadership at the FDA to change the culture at the agency and promote scientific advancement, not hinder it.”

For further information:

- [Surgeon Is Nominated for FDA Commissioner](#)
- [Dr. Martin Makary Chosen to Head the F.D.A.](#)



Administrator for the Centers for Medicare & Medicaid Services (CMS)

President-Elect Trump has nominated Mehmet Oz, MD, to be the Administrator for CMS, [he noted that](#) “I am very pleased to nominate Dr. Mehmet Oz to serve as the Centers for Medicare and Medicaid Services (CMS) Administrator. America is facing a Healthcare Crisis, and there may be no Physician more qualified and capable than Dr. Oz to Make America Healthy Again. He is an eminent Physician, Heart Surgeon, Inventor, and World-Class Communicator, who has been at the forefront of healthy living

for decades. Dr. Oz will work closely with Robert F. Kennedy Jr. to take on the illness industrial complex, and all the horrible chronic diseases left in its wake.”

He attended Harvard University and obtained a joint MD and MBA from the University of Pennsylvania School of Medicine and Wharton Business School. He has written several books and hosted “The Dr. Oz Show,” which aired for 13 seasons. He is currently a professor and vice-chairman of surgery at Columbia University, the Integrated Medicine Center's medical director, and the Heart Institute director at the New York Presbyterian/Columbia Medical Center.

For more information:

- [**Dr. Oz, Tapped to Run Medicare, Has a Record of Promoting Health Misinformation**](#)
- [**What to know about Dr. Mehmet Oz, Trump’s pick to lead Medicare and Medicaid**](#)

Surgeon General

President-Elect Trump has nominated Janette Nesheiwat, MD, to be the United States Surgeon General; [he noted](#) that “She is committed to ensuring that Americans have access to affordable, quality healthcare, and believes in empowering individuals to take charge of their health to live longer, healthier lives.”

She attended the University of South Florida and medical school at the University of Arkansas for Medical Science. She frequently appears on FoxNews and has written a book. She practices family



and emergency medicine and is one of five New York City medical directors of CityMD. She also owns a natural vitamin company named [B+C Boost](#).

Statements from her about healthcare:

- [Humanitarian Relief](#) - "I do a little bit of everything from taking care of broken bones, lacerations, heart attacks, monkeypox, covid, flu, appendicitis, etc The variety keeps me on my toes. Most recently I returned from Ukraine where I led a medical mission caring for hundreds of Ukrainian refugees in need, It was an experience I will never forget."
- [Covid-19 Vaccines](#): "I'm optimistic we are on our way to ending the needless loss of lives starting with the nothing short of miraculous coronavirus vaccine and the development of therapeutics."

For more information:

- [Trump Chooses New York Doctor to Be Next U.S. Surgeon General](#)
- [How Janette Nesheiwat and RFK Jr Could Be Split On Vaccines](#)

Please reach out to Maine Medical Association's Director of Advocacy Anne Sedlack, Esq. M.S.W, at asedlack@mainephysicians.org for any questions.