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## The Restoring Trust in Public Health Act

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Article II, Section 2 of the Constitution gives the Senate the exclusive right to provide advice and consent to the president on “Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States.” While many individuals working in the executive branch are considered inferior officers or mere employees and thus not subject to Senate approval/disapproval, there are dozens of others that must receive a presidential appointment and Senate confirmation prior to being sworn into office with full authority to carry out the position’s duties.

Surprisingly, the Director of the Centers for Disease Control and Prevention (CDC), which is one of the major operating components of the Department of Health and Human Services, is not currently required to receive Senate approval. It employs over 10,000 individuals and has requested \$9.57 billion of discretionary budget authority and an additional \$5.8 billion of mandatory funding from Congress for Fiscal Year 2022, and yet Congress has no say in who leads the center.

The CDC has made a promise to the American people that it will “base all public health decisions on the highest quality scientific data that is derived openly and objectively.”<sup>1</sup> The COVID-19 pandemic has shown that current leadership is failing to abide by such promise. Politically motivated decision-making has significantly diminished the credibility of the CDC, with nearly half of the American public now doubting CDC public health recommendations.<sup>2</sup>

Additionally, the pandemic has shown just how far CDC leadership is willing to extend its authority. While many understood that the CDC could provide recommendations, and in some instances take action, for controlling and preventing the spread of disease, few believed it could halt the cruise line industry and impose a nationwide eviction moratorium. Thankfully, the CDC’s imposition of a nationwide moratorium on evictions was recently ended when the Supreme Court stated that the CDC had exceeded its authority.<sup>3</sup>

Due to the significant authority held by the Director of the CDC, the Senate should have a role in the selection and confirmation of any nominee to fill the position. The American people deserve to have a greater say in who leads an organization with such a budget, size, and influence on their lives and on the availability of health information provided to them.

### Bill Specifics:

- Would require the appointment of Director for the CDC to be confirmed by the Senate.

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<sup>1</sup> Centers for Disease Control and Prevention. *Pledge to the American People*. (Accessed September 1, 2021). <https://www.cdc.gov/about/organization/pledge.html>

<sup>2</sup> NPR. *Poll Finds Public Health Has A Trust Problem*. (May 13, 2021). <https://www.npr.org/2021/05/13/996331692/poll-finds-public-health-has-a-trust-problem>

<sup>3</sup> Alabama Assn. of Realtors v. Department of Health and Human Services. 594 U.S. \_\_\_\_ (2021). No. 21A23. (August 26, 2021). [https://www.supremecourt.gov/opinions/20pdf/21a23\\_ap6c.pdf](https://www.supremecourt.gov/opinions/20pdf/21a23_ap6c.pdf)