

Congress of the United States

Washington, DC 20515

October 31, 2025

Susan Wiles
White House Chief of Staff
Executive Office of the President
Washington, D.C. 20500

Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
Washington, D.C. 20201

Dear Ms. Wiles and Secretary Kennedy,

We write to express grave concern regarding Calley Means's former role as a White House Advisor to the Secretary of the Department of Health and Human Services (HHS) while he retained financial interests in True Medicine Inc. (TrueMed), which stood to benefit from the Trump Administration's "Make America Healthy Again" policies that Mr. Means helped craft.

Mr. Means has publicly touted his role as a leading policymaker behind the Trump Administration's "Make America Healthy Again" (MAHA) initiative, including the May 2025 *Make America Healthy Again* report¹ and the September 2025 *Make Our Children Healthy Again* (MCHA) strategy.² Mr. Means's company, TrueMed, appears to have benefited greatly from MAHA policies, including expansions to products eligible for purchase using tax-advantaged spending and an expansion of allowable uses of health savings accounts (HSAs) and flexible savings accounts (FSAs).³ For example, TrueMed now advertises as HSA-eligible the "Alpha JX2 Bidet," which the company claims aids autoimmune, digestive, and joint health.⁴ Thus, recently enacted policies under HHS's MAHA strategy that purport to fight chronic disease and the obesity epidemic have conveniently ended up in windfalls for people in MAHA's inner circle like Mr. Means.

To get clarity on the steps Mr. Means took to avoid conflicts of interest and to act in the best interest of the American people, Representative Auchincloss sent a letter to Mr. Means on the subject, which has yet to receive a response.⁵ Furthermore, HHS Secretary Kennedy refused to offer any assurances or clarifications when asked about Mr. Means's role in his testimony before Congress on June 24, 2025. Similar requests from Senator Schiff to this administration regarding special government employees' (SGE) compliance with federal ethics laws have also gone unanswered.⁶

¹ Make America Healthy Again (MAHA) Commission, "The MAHA Report," The White House, 2025, <https://www.whitehouse.gov/wp-content/uploads/2025/05/MAHA-Report-The-White-House.pdf>.

² Make America Healthy Again (MAHA) Commission, "Make Our Children Healthy Again Strategy," The White House, 2025, <https://www.whitehouse.gov/maha/>.

³ Ron Lieber and Benjamin Mueller, "A Kennedy Aide's Start-Up Can Get You a Tax Break on a \$9,000 Sauna," New York Times, July 18, 2025, <https://www.nytimes.com/2025/07/18/business/truemed-fsa-hsa-calley-means-maha.html>; see also Calley Means on X, <https://x.com/calleymeans/status/1853821362386747552> (a tweet by Means on Election Day 2024 encouraging anyone preventing or reversing a chronic condition, which he described as "almost everyone," to use TrueMed to demand a Letter of Medical Necessity for "exercise and food interventions").

⁴ TrueMed, 2025, <https://www.truemed.com/shop/partners/bidetking>.

⁵ Letter from Representative Auchincloss, June 16, 2025, https://auchincloss.house.gov/imo/media/doc/auchincloss_letter_to_calley_means.pdf

⁶ Letter from Senator Schiff, Feb 10, 2025, <https://www.schiff.senate.gov/news/press-releases/news-sen-schiff-demands-answers-on-musks-compliance-with-federal-conflicts-of-interest-law-and-ethics-requirements/>

The lack of communication from the administration is of great concern and we now write with bicameral interest in assuring the American people that their policymakers have taken the necessary steps to avoid conflicts of interest. Although recent reports indicate that Mr. Means has departed from his role in the administration,⁷ taxpayers and families deserve assurance that Mr. Means's prior involvement in policy had been in the interests of science and public health, not in interest of his business and personal financial gain.

Given the pattern of self-dealing and conflicts of interest throughout this administration,⁸ the public deserve to know whether Mr. Means and his business, TrueMed, operated ethically. It is therefore incumbent upon the Secretary and the White House, as Mr. Means's former supervisors, to clarify his former role and ensure compliance with federal conflicts of interest, ethics, and reporting requirements.

In order to fulfill Congress's constitutional obligation to perform oversight over federal agencies, we request your responses to the following questions regarding the steps taken to ensure an ethical and legal separation of interests and proprietary information no later than **Friday, November 14, 2025**.

MAHA Report and the MCHA Strategy:

1. To what extent was Mr. Means involved – directly or indirectly – in the drafting, revising, reviewing, or provision of feedback regarding the *Make America Healthy Again* report?
2. To what extent was Mr. Means involved – directly or indirectly – in the drafting, revising, reviewing, or provision of feedback regarding the *Make Our Children Healthy Again* strategy?
3. Did Mr. Means, in any conversation about the strategy, ever formally or informally reference the parallel interests of his company, TrueMed, or how the company and its peer companies might benefit from these policies?
4. The *Make Our Children Healthy Again* strategy includes a section titled “Conflicts of Interest” that simply restates current legal requirements. For example, the strategy states that, “HHS will establish a public database to disclose financial relationships, mandate recusal requirements consistent with the *Federal Advisory Committee Act (FACA)* for individuals with conflicts of interest”⁹ but does not

⁷ Mueller, Benjamin. “Calley Means, a Kennedy Adviser, Has Left the White House.” *The New York Times*, 30 October 2025, <https://www.nytimes.com/2025/10/30/health/calley-means-kennedy-adviser-departure.html>. Accessed 30 October 2025.

⁸ Kevin Dunleavy, “RFK Jr.’s Referral Fees in Litigation over Merck’s Gardasil Raise Conflict-of-Interest Questions: Reports,” *Fierce Pharma*, Jan 23, 2025, www.fiercepharma.com/pharma/rfk-jrs-referral-fees-raise-conflict-interest-concerns-nyt; see also Maurie Backman and Ellen B. Kennedy, “Will Dr. Oz Push Medicare Advantage Plans Now That He’s Confirmed?” *Kiplinger*, Feb 27, 2025, www.kiplinger.com/retirement/medicare/will-dr-oz-push-medicare-advantage-plans-if-confirmed; Matthew Perrone, “Takeaways From AP’s Report on Financial Interests of RFK Jr. Adviser Who Runs Wellness Platform,” *AP News*, Jun. 10, 2025, apnews.com/article/calley-means-rfk-maha-wellness-ethics-8bbe34cb952f31bb8b6002144bb2b975; Ayesha Rascoe and Will Stone, “Dr. Casey Means, Trump’s Pick for Surgeon General, Faces Criticism across the Spectrum,” *NPR*, May 11, 2025, www.npr.org/2025/05/11/nx-s1-5393721/dr-casey-means-trumps-pick-for-surgeon-general-faces-criticism-across-the-spectrum; Sarah Karlin-Smith, “US FDA Commissioner’s Office Plans Involvement in Many Approvals in Potential Major Change,” *Citeline News and Insights*, Apr 30, 2025, insights.citeline.com/pink-sheet/agency-leadership/us-fda/us-fda-commissioners-office-plans-involvement-in-many-approvals-in-potential-major-change-JFPWOQ2VF5D2JAFKXK54REZU/.

⁹ See page 9 of the *Make Our Children Healthy Again* Strategy.

prohibit SGEs who retain employment in the private sector from serving on advisory committees, conveniently omitting guidance about Mr. Means's former role.

- a. Given MAHA's focus on "radical transparency,"¹⁰ will you make Mr. Means's financial disclosure forms publicly available, in line with legal requirements for other senior HHS officials?
- b. Will you commit to upholding the same ethical standard for anyone in the White House or HHS who advises on health policy, regardless of their status as an SGE?

Role of a Special Government Employee:

SGEs are historically excluded from policy decision-making, serving as strictly advisory individuals within an administration. Additionally, SGEs are only appointed if they are expected to serve no more than 130 days. If they "unexpectedly" serve over 130 days, they remain an SGE for the remainder of that 365-day period.¹¹ However, the Trump Administration has greatly expanded the use and scope of SGEs.¹² There is widespread concern that the Trump Administration's misuse of the SGE designation betrays public trust and circumvents ethics requirements pertaining to self-dealing and transparency.¹³

Mr. Means is one example of an SGE who has served in an unprecedented expansive capacity in both influence and duration.¹⁴ Mr. Means was appointed on March 18, 2025,¹⁵ which would mean his statutory 130-day period as an SGE should have ended around July 25, 2025.¹⁶ On October 30, 2025, Mr. Means shared that he left the administration "about a month ago" and that "he took time off earlier in the year," in order to meet the statutory limit.¹⁷ Without verification of these claims, it still raises concern that Mr. Means's original appointment may not have been "based on a good faith" estimate as is required under long-standing executive branch precedent.¹⁸

5. Please provide the following:

¹⁰ Make America Healthy Again (MAHA) Commission, *supra* n. 1.

¹¹ Potts, Stephen D., and Office of Government Ethics (OGE). 2000. "Opinions--00 x 1--Memorandum dated February 15, 2000, from Stephen D. Potts, Director, to DAEOs, General Counsels and Inspectors." OGE.gov.

¹² Dorgelo, Cristin, and Sam Berger. 2025. "Unprecedented Use of Special Government Employees Raises Serious Ethical Concerns." Center on Budget and Policy Priorities (CBPP). <https://www.cbpp.org/blog/unprecedented-use-of-special-government-employees-raises-serious-ethical-concerns>.

¹³ Golinger, Jon. 2025. "Isn't That Special? The Trump Administration's Use of "Special Government Employees" Raises Conflict-of-Interest and Ethics Risks that Go Way Beyond Elon Musk." Public Citizen. <https://www.citizen.org/article/isnt-that-special/>.

¹⁴ Stephen D. Potts and Office of Government Ethics (OGE), "Opinions--00 x 1--Memorandum dated February 15, 2000, from Stephen D. Potts, Director, to DAEOs, General Counsels and Inspectors," OGE.gov, 2000, [https://www.oge.gov/Web/oge.nsf/0/445ECB1FB63809DA852585BA005BED9E/\\$FILE/00x1.pdf](https://www.oge.gov/Web/oge.nsf/0/445ECB1FB63809DA852585BA005BED9E/$FILE/00x1.pdf).

¹⁵ Reuters, "White House Names Kennedy Ally Means as Health Adviser, Source Says," *Reuters*, Mar 18, 2025, www.reuters.com/world/us/white-house-hires-calley-means-special-government-adviser-bloomberg-news-reports-2025-03-18/.

¹⁶ Potts and OGE, *supra* n. 13.

¹⁷ Mueller, Benjamin. "Calley Means, a Kennedy Adviser, Has Left the White House." *The New York Times*, 30 October 2025, <https://www.nytimes.com/2025/10/30/health/calley-means-kennedy-adviser-departure.html>. Accessed 30 October 2025.

¹⁸ See OGE Legal Advisory LA-24-14 (Oct. 30, 2024); OGE Inf. Adv. Memo 07x1 (Jan. 19, 2007); OGE Inf. Adv. Op. 00x1 (Feb. 15, 2000).

- a. Official paperwork confirming Mr. Means' dates of employment and time-off.
 - b. Mr. Means's job description and his typical day-to-day responsibilities.
 - c. Dates of emails (the content may be redacted) sent from Mr. Means in his former capacity as an SGE.
6. Additionally, please detail how Mr. Means's role differed from a typical cabinet member's chief of staff.

Ethics Requirements for Federal Employees:

As an SGE, Mr. Means was subject to public financial disclosure requirements if he was compensated at a rate equal to the statutory threshold defined in the *Ethics in Government Act*.¹⁹ Additionally, unless a senior administration official, in consultation with the Office of Government Ethics, provided a written waiver *prior* to Mr. Means's appointment as an SGE, Mr. Means may have violated federal criminal conflict of interest law by undertaking acts otherwise prohibited by law while retaining his financial stake in his company, TrueMed. In what appears to be an attempt to avoid such restrictions, Mr. Means has purportedly not received any compensation from the federal government.²⁰ Therefore, his compliance with federal conflict of interest laws and related obligations remains unknown to Congress and the public.

7. A criminal statute²¹ prohibits SGEs from personally and substantially participating in any particular matter that would have a direct and predictable effect on the employee's financial interests. Federal regulations²² also prohibit SGEs from using their public office for their own private gain, including the private gain of affiliates in a nongovernmental capacity or using nonpublic information to further their own private interest.
- a. Consistent with 18 U.S.C. § 208, and in his capacity as a special government employee, did Mr. Means ever participate "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he [was] serving as officer, director, trustee, general partner or employee, or any person or organization with whom he [was] negotiating or ha[d] any arrangement concerning prospective employment, has a financial interest"?
 - b. Did any White House ethics official or HHS ethics official issue Mr. Means a recusal memorandum to address his potential conflicts of interest?

¹⁹ 5 U.S.C. Ch. 131.

²⁰ Executive Office of the President. 2025. "2025 Annual Report to Congress on White House Office Personnel." The White House. www.whitehouse.gov/wp-content/uploads/2025/07/2025-Annual-Report-to-Congress-on-White-House-Staff.pdf.

²¹ 18 U.S.C. § 208.

²² C.F.R. Part 2635, Subpart G.

- c. Mr. Means was appointed as a White House advisor²³ and served as an SGE, but appeared to be acting as the de facto chief of staff or chief advisor to HHS Secretary Robert F. Kennedy Jr. Did any White House official or HHS official issue a written waiver to Mr. Means pursuant to 18 U.S.C. § 208(b)?
- d. If a recusal memorandum was issued to Mr. Means, please produce a written copy of the recusal memorandum. If a written waiver was issued to Mr. Means, please produce a written copy of the waiver, the date you were made aware of the waiver, and clarify whether the waiver was issued pursuant to 18 U.S.C. § 208(b)(1) or (b)(3).

Ensuring health care accountability includes guaranteeing that all conflicts of interest have, in fact, been resolved. If you have any questions, please contact Nikita Varman with Representative Auchincloss (nikita.varman@mail.house.gov) or Dahvi Cohen with Senator Schiff (dahvi_cohen@schiff.senate.gov). Thank you for your attention and prompt response.

Sincerely,



Jake Auchincloss
Member of Congress



Adam B. Schiff
United States Senator

CC: Eric Ueland, Acting Director, U.S. Office of Government Ethics

Gary Andres, Assistant Secretary for Legislation, Office of Oversight and Investigations, U.S. Department of Health and Human Services

Randall Hall, Designated Agency Ethics Official (DAEO), Associate General Counsel, U.S. Department of Health and Human Services

Gretchen H. Weaver, Alternate DAEO, Principal Deputy Associate General Counsel for Ethics Advice and Policy, U.S. Department of Health and Human Services

Scott Gast, White House Designated Agency Ethics Official

Susan Edwards, Acting Chief Counsel to the Inspector General, U.S. Department of Health and Human Services

Pamela Langer, Sr. Ethics Counsel, Office of the Inspector General, U.S. Department of Health and Human Services

²³ Reuters, *supra* n. 14.