

January 16, 2025

Robert F. Kennedy, Jr.
Secretary-Designate, Department of
Health & Human Services
Trump-Vance Transition Team
P.O. Box 509
Arlington, VA 22216

Dear Mr. Kennedy:

Congratulations on your nomination to serve as the next Secretary of the Department of Health and Human Services (HHS; the Department). HHS is responsible for enhancing the health and well-being of all Americans.¹ The agency consists of over 10 operating divisions and thousands of staff that play a critical role in public health, safety, and emergency responsiveness, including: the Centers for Disease Control and Prevention (CDC), Centers for Medicare & Medicaid Services (CMS), the Food and Drug Administration (FDA), and the National Institutes of Health (NIH).² Given its broad authority and the critical role HHS plays in administration of Medicare, Medicaid, Medicaid and the Affordable Care Act, public health initiatives, and regulating food and drug safety, the agency requires a leader who is serious about protecting American lives and health.³

Given your dangerous views on vaccine safety and public health, including your baseless opposition to vaccines, and your inconsistent statements in important policy areas like reproductive rights access, I have serious concerns regarding your ability to oversee the Department.⁴ These concerns, and a series of questions about them, are described in detail in the

¹ U.S. Department of Health and Human Services, "About HHS," <https://www.hhs.gov/about/index.html>.

² U.S. Department of Health and Human Services, "HHS Organizational Charts Office of Secretary and Divisions," <https://www.hhs.gov/about/agencies/orgchart/index.html>.

³ Performance.gov, "Department of Health and Human Services (HHS)," <https://obamaadministration.archives.performance.gov/agency/department-health-and-human-services.html#:~:text=HHS%20represents%20almost%20a%20quarter,for%20one%20in%20four%20Americans;> Administration for Strategic Preparedness & Resources, "Legal Authority of the Secretary," <https://aspr.hhs.gov/legal/Pages/Legal-Authority-of-the-Secretary.aspx#:~:text=The%20HHS%20Secretary%20has%20legal,and%20the%20Social%20Security%20Act;> FKK, "Congress and the Executive Branch and Health Policy," Julie Rovner, May 28, 2024, <https://www.kff.org/health-policy-101-congress-and-the-executive-branch-and-health-policy/?entry=table-of-contents-the-federal-role-in-health-policy>.

⁴ The Atlantic, "'Make America Healthy Again' Sounds Good Until You Start Asking Questions," November 9, 2024, [https://www.theatlantic.com/health/archive/2024/11/robert-kennedy-jr-trump-maha/680612/;](https://www.theatlantic.com/health/archive/2024/11/robert-kennedy-jr-trump-maha/680612/) CBS News, "RFK Jr. reverses abortion stance again after confusion, contradictions emerge within campaign," Allison Novelo, May 11, 2024, <https://www.cbsnews.com/news/rfk-jr-reverses-abortion-stance-confusion-contradictions-emerge-within-campaign/>.

remainder of this letter. I ask that you review these questions and arrive prepared to answer them at your upcoming confirmation hearing before the Senate Finance Committee, and that you provide written responses to them promptly after the hearing.

Vaccines

Vaccines are among the most important public health innovations of the last century. They have saved 154 million lives, including 146 million children, 101 million of whom were infants, over the past 50 years.⁵ As a result, “equitable universal access to immunization remains crucial to sustain health gains and continue to save future lives from preventable infectious mortality.”⁶ But your blatant disavowal of vaccine safety would wipe away this progress and put American lives in danger if you are confirmed as HHS Secretary.

Your lengthy record of advocating against vaccinations and your willful disregard for the scientific process is alarming.⁷ Dubbed “the ringleader of the misinformation campaign” who “turbocharged” anti-vaccine rhetoric during the Covid-19 pandemic, you have spread false hysteria that vaccines cause autism.⁸ Following the release of the FDA-approved coronavirus vaccine—which saved more than 3 million American lives during the Covid-19 pandemic⁹—you and your organization, Children’s Health Defense, falsely claimed that the Pfizer vaccine that was being administered to Americans was not actually the licensed version—a baseless conspiracy that provoked unnecessary fear and hysteria across the country.¹⁰ You also accused Dr. Fauci, the nation’s leading infectious disease doctor at the time, of orchestrating a “historic coup d’etat against Western democracy” for his work to combat coronavirus, including vaccination.¹¹ In your

⁵ The Lancet, “Contribution of vaccination to improved survival and health: modelling 50 years of the Expanded Programme on Immunization,” Andrew Shattock, PhD, et. al, May 25, 2024, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)00850-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)00850-X/fulltext).

⁶ *Id.*

⁷ AP, “Robert F. Kennedy Jr. has a long record of promoting anti-vaccine views,” Michelle Smith, November 14, 2024, <https://apnews.com/article/robert-f-kennedy-vaccines-trump-rfkjr-7f8dcb25de76a5a70710d22bbc63f6fa>; BBC, “Fact-checking RFK Jr’s views on health policy,” November 15, 2024, <https://www.bbc.com/news/articles/c0mzk2y41zvo>.

⁸ AP News, “How a Kennedy built an anti-vaccine juggernaut amid COVID-19,” Michelle Smith, December 15, 2021, <https://apnews.com/article/how-rfk-jr-built-anti-vaccine-juggernaut-amid-covid-4997be1bcf591fe8b7f1f90d16c9321e>; BBC, “Fact-checking RFK Jr’s views on health policy,” November 15, 2024, <https://www.bbc.com/news/articles/c0mzk2y41zvo>; Inside Higher Ed, “Robert F. Kennedy Jr.’s Appointment Would ‘Put Americans at Risk,’” Ryan Quinn and Kathryn Palmer, November 15, 2024, <https://www.insidehighered.com/news/government/science-research-policy/2024/11/15/what-robert-f-kennedy-jr-has-said-about-nih>.

⁹ The Commonwealth Fund, “Lessons from COVID-19 Can Help the U.S. Prepare for the Next Pandemic” Meagan C. Fitzpatrick, July 5, 2023, <https://www.commonwealthfund.org/blog/2023/lessons-covid-19-can-help-us-prepare-next-pandemic>.

¹⁰ Skeptical Raptor, “Vaccine licensing primer – correcting anti-vaccine misinformation,” Dorit Rubinstein Reiss, September 25, 2021, <https://www.skepticalraptor.com/skepticalraptorblog.php/vaccine-licensing-primer-correcting-anti-vaccine-misinformation/>; AP News, “How a Kennedy built an anti-vaccine juggernaut amid COVID-19,” Michelle Smith, December 15, 2021, <https://apnews.com/article/how-rfk-jr-built-anti-vaccine-juggernaut-amid-covid-4997be1bcf591fe8b7f1f90d16c9321e>.

¹¹ *Id.*; Alabama Reflector, “Fauci defends his work on COVID-19, says he has an ‘open mind’ on its origins,” Jennifer Shutt, June 4, 2024, <https://alabamareflector.com/2024/06/04/fauci-defends-his-work-on-covid-19-says-he-has-an-open-mind-on-its-origins/>.

book, you pushed unproven and unsafe treatments for the coronavirus.¹² In your 2021 film, “Medical Racism: The New Apartheid,” you “used the real history of medical racism in the US to peddle conspiracy theories that coronavirus vaccines were an effort to harm Black communities.”¹³ As Covid-19 ravaged the country and world, you attended rallies across Europe that decried Covid-19 restrictions and spread misinformation.¹⁴

Your dangerous views on vaccines have had tragic real-life impacts. In 2019, you traveled to Samoa, spouting dangerous anti-vaccination rhetoric.¹⁵ Your statements had a destructive impact on this Polynesian island: four months later, measles began to spread rapidly around the tiny country due to a low vaccination rate, partially thanks to your statements encouraging families and children not to get vaccinated only months earlier.¹⁶ More than 5,700 people were infected and 83 died because of your contributions to vaccine skepticism in Samoa.¹⁷ At the time, you shrugged off the epidemic as “mild”—this massive disregard for human lives is indicative of the irresponsible public health official that you would be, if confirmed as Secretary of HHS.¹⁸ Your past actions provide a very clear indication that you are not capable of upholding immunization programs or representing the United States on the global health stage. Indeed, Samoa’s public health minister, after the havoc you brought to that country, warned that, if confirmed, you “will be directly responsible for killing thousands of children around the world by allowing preventable infectious diseases to run rampant.”¹⁹

Your rhetoric indicates that, if confirmed as Secretary of HHS, you would abuse your power and use your role as a platform for spreading misinformation. Indeed, during your bid for president, you said you would use the power of the attorney general to threaten editors of medical journals and force them to publish studies that had been retracted due to their scientific unviability, such as the retracted study that says ivermectin, a parasite drug, is an effective treatment for coronavirus.²⁰

Health officials and public health experts worry that, if confirmed as Secretary of HHS, you would sow doubt and confusion about vaccines that conservative states could weaponize to “dismantle

¹² AP, “How a Kennedy built an anti-vaccine juggernaut amid COVID-19,” Michelle Smith, December 15, 2021, <https://apnews.com/article/how-rfk-jr-built-anti-vaccine-juggernaut-amid-covid-4997be1bcf591fe8b7f1f90d16c9321e>.

¹³ NBC News, “RFK Jr. is courting Black voters, a group he once targeted with vaccine disinformation,” Alex Tabet and Brandy Zadrozny, February 20, 2024, <https://www.nbcnews.com/politics/2024-election/rfk-jr-black-voters-vaccine-disinformation-rcna139459>.

¹⁴ AP News, “How a Kennedy built an anti-vaccine juggernaut amid COVID-19,” Michelle Smith, December 15, 2021, <https://apnews.com/article/how-rfk-jr-built-anti-vaccine-juggernaut-amid-covid-4997be1bcf591fe8b7f1f90d16c9321e>.

¹⁵ The Washington Post, “Global health experts sound alarm over RFK Jr., citing Samoa outbreak,” Sammy Westfall and Lena H. Sun, November 15, 2024, <https://www.washingtonpost.com/world/2024/11/15/rfk-jr-global-health-samoa-kennedy/>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ NBC News, “RFK Jr. comes ‘home’ to his anti-vaccine group, commits to ‘a break’ for U.S. infectious disease research,” Brandy Zadrozny, November 3, 2023, <https://www.nbcnews.com/politics/politics-news/rfk-jr-comes-home-anti-vaccine-group-commits-break-us-infectious-disea-rcna123551>.

and annihilate” public health guardrails for vaccines.²¹ For example, a regional health board in Idaho banned health department clinics that served six counties in the state from offering coronavirus because it heard testimony from physicians that spread misinformation about the vaccine safety.²² There are also concerns that you could slow vaccine production by delaying inspection of vaccine production facilities or requiring additional data and reviews on vaccine safety.²³ Given that the FDA approves vaccines while the CDC provides recommendations on who receives them, I am deeply concerned that you could influence the vaccine approval and recommendation process by putting vaccine skeptics on advisory committees and make life-saving vaccines less accessible to American families.²⁴

I have the following questions on this subject:

1. At a 2022 anti-vaccination rally, you compared the Covid-19 mandates in Washington D.C. to the tragedies of the Holocaust stating, “Even in Hitler’s Germany, you could cross the Alps to Switzerland. You could hide in an attic like Anne Frank did ... the [Covid-19 mandates] are being put in place that will make it so none of us can run and none of us can hide,” alluding that Anne Frank was in a better situation when hiding from Nazis.²⁵ Why did you make these statements?
2. You made disparaging comments that Covid-19 “was ‘ethnically targeted’ to spare Jews and Chinese people.”²⁶ Why do you believe this?
3. How do you intend to address concerns among Americans who are hesitant to receive a vaccine when the HHS Secretary has publicly disparaged them?
4. In your 2023 book, “Vax-Unvax: Let the Science Speak,” you wrote: “There is virtually no science assessing the overall health effects of the vaccination schedule or its component vaccines.”²⁷ Do you still stand by this statement?

²¹ The Washington Post, “How much influence could RFK Jr. have over vaccines in Trump’s government?,” Dan Diamond, Lauren Weber, Lena H. Sun, and Rachel Roubein, November 8, 2024,

<https://www.washingtonpost.com/health/2024/11/08/rfk-jr-vaccines-fda-trump-health-policy/>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ AP, “RFK Jr. remarks on Anne Frank, vaccines draw condemnation,” Michelle Smith, January 24, 2022,

[https://apnews.com/article/coronavirus-pandemic-health-the-holocaust-anne-frank-](https://apnews.com/article/coronavirus-pandemic-health-the-holocaust-anne-frank-51ff5b36a8d30636184ef3e6d2dce198)

[51ff5b36a8d30636184ef3e6d2dce198](https://apnews.com/article/coronavirus-pandemic-health-the-holocaust-anne-frank-51ff5b36a8d30636184ef3e6d2dce198); CNN, “Robert F. Kennedy Jr. invokes Nazi Germany in offensive anti-vaccine speech,” Sarah Fortinsky and Aileen Graef, January 24, 2022, <https://www.cnn.com/2022/01/23/politics/robert-f-kennedy-nazi-germany-offensive-anti-vaccine-speech/index.html>.

²⁶ CNN, “Jewish groups denounce RFK Jr.’s false remarks that Covid-19 was ‘ethnically targeted’ to spare Jews and Chinese people,” Lauren Koenig and Shania Shelton, July 15, 2023, <https://www.cnn.com/2023/07/15/politics/rfk-jr-covid-jewish-groups/index.html>.

²⁷ “Vax-Unvax: Let the Science Speak,” Brian Hooker and Robert F. Kennedy Jr., August, 29, 2023, p. 3,

[https://www.amazon.com/Vax-Unvax-Childrens-Health-Defense-](https://www.amazon.com/Vax-Unvax-Childrens-Health-Defense-Kennedy/dp/1510766960?asin=1510766960&revisionId=&format=4&depth=1)

[Kennedy/dp/1510766960?asin=1510766960&revisionId=&format=4&depth=1](https://www.amazon.com/Vax-Unvax-Childrens-Health-Defense-Kennedy/dp/1510766960?asin=1510766960&revisionId=&format=4&depth=1).

5. Aaron Siri, your key advisor, lawyer, and top ally, petitioned FDA to revoke approval for polio and hepatitis B vaccines and block the distribution of 13 other critical vaccines.²⁸
 - a. Do you support these actions taken by Mr. Siri?
 - b. If confirmed as Secretary of HHS, do you commit not to revoke the approval of the polio vaccine?
6. Would you seek the withdrawal of any drug or vaccine currently on the market?
7. Will you interfere in any FDA decision regarding review or approval of vaccines?
8. Would you overrule the FDA if you disagreed with its determination that a drug or vaccine was safe and effective?
9. If confirmed as Secretary of HHS, do you commit to refrain from appointing any other anti-vaccine skeptics to top advisor positions at HHS or at the CDC, including the CDC's Advisory Committee on Immunization Practices (ACIP)?²⁹
10. Would you overrule the members of ACIP at the CDC if you disagreed with their vaccine recommendations?
11. If confirmed as Secretary of HHS, how will you leverage your platform for global vaccination efforts? Will you continue to promote skepticism of vaccines, or will advocate for immunization programs and work to address the growing challenges of vaccine hesitancy domestically and globally to sustain progress in preventing disease and saving lives?
12. Will you commit to upholding the U.S.'s historic role in the Global Polio Eradication Initiative, which has relied on substantial U.S. financial contributions and technical expertise to bring the world closer to eradicating polio?³⁰
13. The HPV vaccine can potentially prevent more than 90 percent of HPV-related cancers in women—primarily cervical cancer—and a recent study also showed a 50-percent risk

²⁸ The Guardian, "RFK Jr key adviser petitioned regulators to revoke approval of polio vaccine," Ed Pilkington, December 13, 2024, <https://www.theguardian.com/us-news/2024/dec/13/rfk-jr-aaron-siri-polio>; ABC News, "RFK Jr.'s lawyer and top ally asked FDA to revoke approval of a polio vaccine," Will McDuffie, Katherine Faulders, Olivia Rubin, Mariam Khan, and Anne Flaherty, December 13, 2024, <https://abcnews.go.com/Politics/rfk-jrs-lawyer-top-ally-asked-fda-revoke/story?id=116769906>.

²⁹ The New York Times, "Kennedy's Lawyer Has Asked the F.D.A. to Revoke Approval of the Polio Vaccine," <https://www.nytimes.com/2024/12/13/health/aaron-siri-rfk-jr-vaccines.html>; NBC News, "As health secretary, RFK Jr. could hold enormous influence over childhood vaccines," December 18, 2024, <https://www.nbcnews.com/health/health-news/health-secretary-rfk-jr-hold-enormous-influence-childhood-vaccines-rcna184596>.

³⁰ KFF, "The U.S. Government and Global Polio Efforts," October 3, 2022, [https://www.kff.org/global-health-policy/fact-sheet/the-u-s-government-and-global-polio-efforts/#:~:text=The%20U.S.%20government%20\(U.S.\)%20has,\\$134%20million%20in%20FY%202009.](https://www.kff.org/global-health-policy/fact-sheet/the-u-s-government-and-global-polio-efforts/#:~:text=The%20U.S.%20government%20(U.S.)%20has,$134%20million%20in%20FY%202009.)

reduction in all HPV-associated cancers in men, including head and neck cancers.³¹ What is your position on the HPV vaccine?

14. According to the CDC, vaccines are a “highly effective,” heavily tested, and easy method to keep your family healthy.³² Do you agree or disagree with the CDC?
15. Project 2025 called for an end to CDC vaccination recommendations.³³ Do you support this proposal, and would you act to implement it if you were confirmed as HHS Secretary?
16. Do you have any plans now or in the future to slow the production of existing vaccines or prevent the approval of new vaccines?

Reproductive Rights

Your record on women’s reproductive freedom and health has been inconsistent, raising questions about how you will fulfill the mission of HHS with respect to women’s reproductive health if confirmed as Secretary of HHS. Indeed, you have flip-flopped on the issue of women’s reproductive rights for years, making it difficult for Americans to know your true views on this topic. In August 2023, you affirmed that you identify as “pro-choice” and believe “it is always the woman’s right to choose.”³⁴ But that same month, you said you would support a 15-week abortion ban.³⁵ Then, hours later, you walked back those comments, saying you misspoke.³⁶ In May 2024, you said you opposed any government restrictions on abortion, and then a few days later, reversed course, writing on social media that “abortion should be legal up until a certain number of weeks, and restricted thereafter.”³⁷

Your past statements indicating that you support a woman’s right to choose, codifying *Roe v. Wade*, and access to the abortion medication mifepristone³⁸ are a relief to hear. But in recent weeks you have changed your tune in meetings with pro-life groups and GOP Senators, assuring

³¹ University of Rochester Medical Center, “The HPV Vaccine Reduces Risk of Cancer for All, not just Women, New Data Show,” June 11, 2024, <https://www.urmc.rochester.edu/news/story/the-hpv-vaccine-reduces-risk-of-cancer-for-all-not-just-women-new-data-show#:~:text=It%20was%20already%20known%20that,includ%20head%20and%20neck%20cancers>.

³² U.S. Centers for Disease Control and Prevention, “Reasons to Vaccinate,” https://www.cdc.gov/vaccines-children/reasons/index.html#cdc_generic_section_3-vaccine-ingredients.

³³ Mandate for Leadership: The Conservative Promise Project 2025, Kevin Roberts PhD, Paul Dans and Steven Groves, April 2023, pp. 452-5, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

³⁴ The Hill, “RFK Jr. walks back abortion ban comments,” Olafimihan Oshin, August 13, 2023, <https://thehill.com/homenews/campaign/4151247-rfk-jr-walks-back-abortion-ban-comments/>.

³⁵ *Id.*

³⁶ NBC News, “RFK Jr. says he’d sign a federal abortion ban at 3 months of pregnancy, then reverses course,” Ali Vitali and Katherine Koretski, August 13, 2023, <https://www.nbcnews.com/politics/2024-election/rfk-jr-says-sign-federal-ban-abortions-three-months-pregnancy-rcna99689>.

³⁷ CBS News, “RFK Jr. reverses abortion stance again after confusion, contradictions emerge within campaign,” Allison Novelo, May 11, 2024, <https://www.cbsnews.com/news/rfk-jr-reverses-abortion-stance-confusion-contradictions-emerge-within-campaign/>.

³⁸ Washington Post, “Where Robert F. Kennedy stands on abortion,” November 8, 2024, <https://www.washingtonpost.com/politics/interactive/2023/presidential-candidates-2024-policies-issues/robert-kennedy-jr-abortion/>.

them that you're going to do “whatever President Trump wants to do” with respect to abortion rights.³⁹ Indeed, anti-abortion groups are now urging you to appoint an anti-abortion stalwart to a senior position in HHS. Their reported top pick, Roger Severino, wrote the chapter on the future of HHS in Project 2025, which called for what an expert described as a “broad anti-sexual and reproductive health and rights agenda across the government.”⁴⁰ A source close to the President-Elect Trump transition said that you are “open to [their] entreaties.”⁴¹ Republican senators say you are committed to reinstating anti-abortion policies from the first President-Elect Trump administration, including prohibiting organizations that provide abortions federal funding even for their non-abortion related services.⁴²

Indeed, your anti-abortion statements have become increasingly extreme the closer you get to your nomination hearing. Although you once said that you “support[] the FDA approval of [the] abortion medication mifepristone,”⁴³ last month, you told Senator Hawley that you are “open” to reinstating restrictions to the abortion pill mifepristone.⁴⁴ Despite saying in 2023 that you supported codifying *Roe v. Wade*,⁴⁵ you recently told Senator Tuberville that you had come to an agreement with President-Elect Trump that, “[h]ey, Roe-Wade is gone, it’s gone to the states, let the people vote on it.”⁴⁶ Across the board, you are now assuring GOP Senators that “[you] will absolutely do whatever President-Elect Trump wants to do, that [you] will not put his thumb on the scale for any pro-choice position.”⁴⁷

Your new extremist views on abortions are dangerous—and if you use HHS authorities to see them through, your actions would have catastrophic consequences on women's reproductive health and bodily autonomy across the country. Indeed, HHS has authority over a score of issues affecting reproductive freedom and access. Project 2025 gives a roadmap on how HHS’s divisions could gut reproductive freedoms, strip away access to abortion medication and contraception, and undermine vital protections to ensure women receive emergency medical care in states with abortion restrictions.

³⁹ The Hill, “Hawley: RFK Jr. open to mifepristone restrictions,” Nathaniel Weixel, December 18, 2024, <https://thehill.com/policy/healthcare/5047469-trump-kennedy-abortion-pill-mifepristone/>.

⁴⁰ The Nation, “How Nominally Pro-Choice RFK Jr. Can Get Anti-Abortion Groups to Back His HHS Nomination,” Joan Walsh, November 21, 2024, <https://www.thenation.com/article/politics/rfk-jr-hhs-roger-severino/>; Guttmacher, “How Project 2025 Seeks to Obliterate Sexual and Reproductive Health and Rights,” fact sheet, October 2024, <https://www.guttmacher.org/fact-sheet/how-project-2025-seeks-obliterate-srhr>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Washington Post, “Where Robert F. Kennedy stands on abortion,” November 8, 2024, <https://www.washingtonpost.com/politics/interactive/2023/presidential-candidates-2024-policies-issues/robert-kennedy-jr-abortion/>.

⁴⁴ Tweet by Oriana González, December 18, 2024, <https://x.com/OrianaBeLike/status/1869443984361451524>.

⁴⁵ Washington Post, “Where Robert F. Kennedy stands on abortion,” November 8, 2024, <https://www.washingtonpost.com/politics/interactive/2023/presidential-candidates-2024-policies-issues/robert-kennedy-jr-abortion/>.

⁴⁶ The Hill, “Tuberville: Trump and RFK Jr. came to ‘agreement’ on abortion,” Sarah Fortinsky, December 17, 2024, <https://thehill.com/policy/healthcare/5045099-tuberville-rfk-jr-abortion/>.

⁴⁷ The Hill, “Hawley: RFK Jr. open to mifepristone restrictions,” Nathaniel Weixel, December 18, 2024, <https://thehill.com/policy/healthcare/5047469-trump-kennedy-abortion-pill-mifepristone/>.

I request that you clarify where you stand on these issues by answering the following questions about whether you would use HHS authorities to help or harm reproductive rights during President-Elect Trump’s second Administration:

1. Project 2025 calls on HHS to “eliminate the HHS Reproductive Healthcare Access Task Force and install a pro-life task force to ensure that all of the department’s divisions seek to use their authority to promote” anti-abortion policies.⁴⁸ Project 2025 also calls on HHS to reject the notion that abortion is healthcare.
 - a. If confirmed as Secretary of HHS, you commit to maintaining the HHS Reproductive Healthcare Access Task Force?
 - b. Will you commit to maintaining HHS’s position that reproductive healthcare, including abortion, is healthcare?⁴⁹
2. Project 2025 calls on HHS to reinstate a Trump Administration regulation that required Title X grantees to maintain strict physical and financial separation between Title X activity and abortion-related activity and “guarantee the right of conscience and religious freedom of health care workers and participants in the Title X program.”⁵⁰
 - a. If confirmed as Secretary of HHS, would you reinstate this Trump Administration regulation?
3. Project 2025 directs HHS to encourage the Department of Justice (DOJ) to repeal Office of Legal Counsel (OLC) opinions related to the expenditure of funds for abortion-related travel and related to federal enclave immunity for federal employees who provide reproductive healthcare in a manner authorized by federal law.⁵¹
 - a. If confirmed as Secretary of HHS, would you ask the DOJ to review or repeal these OLC opinions?
4. In April 2024, HHS’s Office of Civil Rights (OCR) amended the HIPAA Privacy Rule to prohibit regulated entities from using or disclosing protected health information to identify, investigate, or hold someone liable for seeking, obtaining, providing, or facilitating

⁴⁸ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, p. 489, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁴⁹ CMS, HHS Takes Action to Strengthen Access to Reproductive Health Care, Including Abortion Care” press release, August 26, 2022, <https://www.cms.gov/newsroom/press-releases/hhs-takes-action-strengthen-access-reproductive-health-care-including-abortion-care#:~:text=Protecting%20Emergency%20Medical%20Care:%20HHS%20issued%20guidance.as%20stabilizing%20care%20for%20emergency%20medical%20conditions>.

⁵⁰ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, p. 491, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁵¹ Department of Justice, “Authority of the Department of Defense to Use Appropriations for Travel by Service Members and Dependents to Obtain Abortions,” memorandum opinion, October 3, 2022, <https://www.justice.gov/olc/file/1553246/dl>; Department of Justice, “Application of the Hyde Amendment to the Provision of Transportation for Women Seeking Abortions,” memorandum opinion, September 27, 2022, <https://www.justice.gov/olc/file/1553181/dl>.

reproductive healthcare that was lawfully provided in the relevant circumstances.⁵² In September 2024, Texas sued to challenge this rule.⁵³

- a. If confirmed as Secretary of HHS, would you ask DOJ to continue to defend this rule in court?
5. Project 2025 directs HHS to restore the Office of the Deputy Director for the Conscience and Religious Freedom Division (CRFD).⁵⁴ Project 2025 further directs that OCR should finalize a rule proposed under the Religious Freedom Restoration Act during the Trump Administration and ensure that all HHS grant announcements explicitly inform grantees and applicants of their obligation to comply with health care conscience laws.⁵⁵
 - a. If confirmed as Secretary of HHS, would you take each of the actions listed above?
 6. HHS's OCR released guidance in 2022 titled "Guidance to Nation's Retail Pharmacies: Obligations Under Federal Civil Rights Laws to Ensure Access to Comprehensive Reproductive Health Care Services," which addresses the nondiscrimination obligations of pharmacies under federal civil rights laws.⁵⁶
 - a. If confirmed as Secretary of HHS, would you maintain this guidance?
 7. Guidelines from HHS's Health Resources and Services Administration (HRSA) currently make clear that coverage of contraception, including Plan B, is classified as preventive care. Project 2025 directs HHS to revise HRSA's guidance on contraception coverage to include "fertility awareness-based methods," to not include "exclusively male contraceptive methods" such as condoms, and eliminate Plan B coverage.⁵⁷
 - a. If confirmed as Secretary of HHS, would you maintain HRSA's current guidance on contraception coverage?
 8. The Biden Administration is challenging Idaho's abortion ban under the Emergency Medical Treatment and Labor Act (EMTALA), arguing that Idaho's ban is preempted to the extent that it restricts providers from providing emergency stabilizing care that is federally required under EMTALA.⁵⁸ Project 2025 directs HHS to take several steps to

⁵² U.S. Department of Health and Human Services, "The Biden-Harris Administration Issues New Rule to Support Reproductive Health Care Privacy Under HIPAA," press release, April 22, 2024, <https://www.hhs.gov/about/news/2024/04/22/biden-harris-administration-issues-new-rule-support-reproductive-health-care-privacy-under-hipaa.html>.

⁵³ HIPPA Journal, "Texas Sues HHS to Overturn HIPAA Privacy and Reproductive Healthcare Privacy Final Rules," Steve Alder, September 5, 2024, <https://www.hipaajournal.com/texas-ag-sues-hhs-reproductive-healthcare-privacy-final-rule/>.

⁵⁴ Heritage Foundation, "Mandate for Leadership: The Conservative Promise," 2023, p. 494, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁵⁵ *Id.*

⁵⁶ American Health Law Association, "HHS Office for Civil Rights Issues Guidance to Retail Pharmacies in Wake of Abortion Bans," Virginia B. Evans, July 29, 2022, <https://www.americanhealthlaw.org/content-library/publications/bulletins/478b651e-4b59-4737-871a-18b6fd18ea89/hhs-office-for-civil-rights-issues-guidance-to-ret>.

⁵⁷ Heritage Foundation, "Mandate for Leadership: The Conservative Promise," 2023, p. 485, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁵⁸ FIERCE Healthcare, "SCOTUS restores emergency abortions in Idaho, hands EMTALA challenge back to lower courts," Dave Muoio, June 27, 2024, <https://www.fiercehealthcare.com/providers/scotus-restores-emergency-abortion-idaho-emptala-challenge-plays-out-lower-courts>.

limit EMTALA’s protections, including by withdrawing the Biden Administration’s July 2022 guidance on EMTALA’s preemption of state-level abortion bans; ending investigations into alleged EMTALA violations; and eliminating existing injunctions and withdrawing or settling existing lawsuits under EMTALA.⁵⁹

- a. If confirmed as Secretary of HHS, would you work with CMS to protect and strengthen EMTALA, to defend EMTALA in court, and to help enforce the rights of women under this life-saving law?
9. If confirmed as Secretary of HHS, would you revive the first Trump Administration’s proposed regulation titled “Special Responsibilities of Medicare Hospitals in Emergency Cases and Discrimination on the Basis of Disability in Critical Health and Human Services Programs or Activities”?
 10. In August 2022, the Biden Administration encouraged states to apply for Medicaid funding under Section 1115 demonstration authority to expand access to reproductive care. Project 2025 directs the HHS Secretary to withdraw that guidance and any Section 1115 waivers issued thereunder.⁶⁰
 - a. If confirmed as Secretary of HHS, would you commit to protecting states’ right to use Section 1115 waivers for programs to help women access reproductive care—and encourage CMS to approve such waivers?
 11. Project 2025 directs HHS to issue guidance or regulations stating that states can exclude Planned Parenthood and other providers of elective abortions from their state Medicaid plans.⁶¹
 - a. If confirmed as Secretary of HHS, would you issue guidance that could lead to the defunding of Planned Parenthood and other providers of elective abortions?
 12. Project 2025 directs HHS to resolve pending Section 1115 waivers from Idaho, South Carolina, and Tennessee, which are seeking to prohibit abortion providers from participating in state-run Medicaid programs.⁶²
 - a. If confirmed as Secretary of HHS, would you commit to direct HHS to deny these waivers?
 13. Project 2025 directs HHS to withdraw up to 10 percent of Medicaid funds from states that require private health insurance plans to cover reproductive care or that cut state contracts with pharmacies that do not carry abortion medication.⁶³
 - a. Do you commit to oppose any such attempts by CMS to withdraw Medicaid funds from such states?
 14. Project 2025 calls on the FDA to withdraw its longstanding approval of mifepristone, one of the two drugs normally used to administer abortion via medication.⁶⁴

⁵⁹ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, pp. 473-4, https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

⁶⁰ *Id.*, p. 471.

⁶¹ *Id.*, p. 472.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*, p. 458.

- a. Do you commit to combat any attempts to revoke FDA’s approval of mifepristone and ensure that this drug remains approved by the FDA?
15. Project 2025 calls on the FDA to restore a previous version of its Risk Evaluation and Mitigation Strategy (REMS) for mifepristone, which placed several restrictions on the medication’s distribution and use, including an in-person dispensing requirement.⁶⁵
 - a. Do you commit to leaving the current REMS on mifepristone in place?
 16. Project 2025 calls on FDA to respond in a timely manner to congressional and Freedom of Information Act (FOIA) requests about inspections, compliance, and post-marketing safety related to Danco and GenBioPro, the two main manufacturers of mifepristone in the US, and facilities that manufacture medication abortion.⁶⁶
 - a. Do you commit to not overly-favor or prioritize HHS resources toward such requests as compared to other congressional and FOIA requests?
 17. Mifepristone, taken in combination with misoprostol, is the most effective regimen for the medical management of miscarriage and medication abortions.⁶⁷ But currently, mifepristone’s use in cases of miscarriage has not been approved by the FDA.⁶⁸
 - a. Should the FDA receive an application for miscarriage management to be added to mifepristone’s label, would you direct the FDA to approve such an application?
 18. States currently provide CDC with abortion-related data, such as the age, race, residence and marital status of women receiving legal abortions, on a voluntary basis.⁶⁹
 - a. Do you commit to direct CDC to continue to collect such information on a voluntary basis, and oppose any efforts to force states to monitor or report this data?
 19. Project 2025 directs NIH to create and promote a research agenda that supports pro-life policies and explores the “harms, both mental and physical” of abortion.⁷⁰
 - a. Would you use NIH to promote a pro-life research agenda?
 20. HHS’s Administration for Children and Families (ACF) operates the Personal Responsibility Education Program (PREP), and HHS’s Office of Population Affairs (OPA) operates the Teen Pregnancy Prevention (TPP) program. Project 2025 directs that both programs should ensure subgrantees do not promote “abortion or high-risk sexual behavior.”⁷¹

⁶⁵ *Id.*

⁶⁶ *Id.*, p. 459.

⁶⁷ The 19th, “Label change for mifepristone could reduce barriers to care for miscarriages, advocates say in petition to FDA,” Jennifer Gerson, October 4, 2022, <https://19thnews.org/2022/10/mifepristone-miscarriage-label-change-fda-petition/>.

⁶⁸ *Id.*

⁶⁹ CDC, “Abortion Surveillance — United States, 2022,” <https://www.cdc.gov/mmwr/volumes/73/ss/ss7307a1.htm>.

⁷⁰ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, p. 461, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

⁷¹ *Id.*, p. 477.

- a. If confirmed as Secretary of HHS, would you put restrictions on subgrantees to ACF and OPA programs based on whether they promote “abortion or high-risk sexual behavior”?

In addition to these questions on whether you would follow Project 2025’s roadmap to gut reproductive health, I have additional questions about your past statements and current views on women’s reproductive rights:

1. Over the years, you have made conflicting statements about abortion rights. What is your current position on abortion? Do you support bans or restrictions on abortion?
2. In August 2023, you indicated you identify as “pro-choice” and believe “it is always the woman’s right to choose.”⁷²
 - a. Do you still hold that view? If not, when did you change your view? On what basis did you change your view?
3. In 2024, you said you opposed any government restrictions on abortion.⁷³
 - a. Do you still hold that view? If not, when did you change your view? On what basis did you change your view?
4. In 2024, you wrote on social media that “abortion should be legal up until a certain number of weeks, and restricted thereafter.”⁷⁴
 - a. Up until what point do you believe abortion should be legal?
5. In 2023, you said that you supported codifying *Roe v. Wade*.⁷⁵
 - a. Do you support codifying *Roe v. Wade*? If not, when did you change your view? On what basis did you change your view?
6. Do you believe that everyone should have access to the health care their doctor recommends for them, including for contraception and abortion?
7. Research indicates that states that have banned abortion or are planning to ban abortion have fewer maternity care providers, more maternity care deserts, and higher rates of maternal mortality and infant death than states where abortion is accessible.⁷⁶

⁷² The Hill, “RFK Jr. walks back abortion ban comments,” Olafimihan Oshin, August 13, 2023, <https://thehill.com/homenews/campaign/4151247-rfk-jr-walks-back-abortion-ban-comments/>.

⁷³ CBS News, “RFK Jr. reverses abortion stance again after confusion, contradictions emerge within campaign,” Allison Novelo, May 11, 2024, <https://www.cbsnews.com/news/rfk-jr-reverses-abortion-stance-confusion-contradictions-emerge-within-campaign/>.

⁷⁴ *Id.*

⁷⁵ Washington Post, “Where Robert F. Kennedy stands on abortion,” November 8, 2024, <https://www.washingtonpost.com/politics/interactive/2023/presidential-candidates-2024-policies-issues/robert-kennedy-jr-abortion/>.

⁷⁶ Guttmacher Institute, “Clear and Growing Evidence That Dobbs Is Harming Reproductive Health and Freedom,” policy analysis, May 2024, <https://www.guttmacher.org/2024/05/clear-and-growing-evidence-dobbs-harming-reproductive-health-and->

- a. Are you aware of these findings?
- b. If confirmed as Secretary of HHS, would lowering maternal mortality rates be a priority for you?

Children's Health Defense

In 2015, you joined and proceeded to become the face of the Children's Health Defense, a nonprofit activist group leading the anti-vaccination movement in America.⁷⁷ As a popular source of medical misinformation, the Children's Health Defense targets groups such as mothers and black Americans to peddle anti-vaccination rhetoric and expand its influence.⁷⁸ It seemed that the more prolific the Children's Health Defense became in its widespread misinformation, the more profitable the company became. During the pandemic, the Children's Health Defense's revenue surged from \$3 million in 2019 to \$7 million in 2020 to \$16 million in 2021.⁷⁹ In April 2023, you left the Children's Health Defense because you ran for president.⁸⁰ Yet, you still appear to have close ties to the organization.⁸¹

I have the following questions on this subject:

1. In an interview, the Children's Health Defense president said that you are "not involved on a day-to-day basis."⁸² In what capacity are you currently involved or associated with Children's Health Defense?
2. Are you currently receiving any salary or other remuneration from Children's Health Defense?
3. Please provide, for each calendar year since 2019, the total amount of compensation you have received from Children's Health Defense.
4. If confirmed as Secretary of HHS, will you recuse yourself from all matters affecting Children's Health Defense?

freedom#:~:text=Potential%20risks%20for%20maternal%20health,39%25%20increase%20in%20maternal%20deaths

⁷⁷ NPR, "Inside RFK Jr.'s nonprofit's legal battles over vaccines and public health," Shannon Bond, December 4, 2024, <https://www.npr.org/2024/12/03/nx-s1-5198506/rfk-jr-anti-vaccine-chd-lawsuits>.

⁷⁸ AP News, "How a Kennedy built an anti-vaccine juggernaut amid COVID-19," Michelle Smith, December 15, 2021, <https://apnews.com/article/how-rfk-jr-built-anti-vaccine-juggernaut-amid-covid-4997be1bcf591fe8b7f1f90d16c9321e>.

⁷⁹ NPR, "RFK Jr. is building a presidential campaign around conspiracy theories," Shannon Bond, July 13, 2023, <https://www.npr.org/2023/07/13/1187272781/rfk-jr-kennedy-conspiracy-theories-social-media-presidential-campaign>.

⁸⁰ NBC News, "RFK Jr. comes 'home' to his anti-vaccine group, commits to 'a break' for U.S. infectious disease research," Brandy Zadrozny, November 3, 2023, <https://www.nbcnews.com/politics/politics-news/rfk-jr-comes-home-anti-vaccine-group-commits-break-us-infectious-disea-rcna123551>.

⁸¹ STAT, "RFK Jr. was paid six figures by his vaccine-challenging group before presidential run," Isabella Cueto, December 3, 2024, <https://www.statnews.com/2024/12/03/rfk-jr-maha-pay-vaccine-group-childrens-health-defense/>.

⁸² NPR, "Inside RFK Jr.'s nonprofit's legal battles over vaccines and public health," Shannon Bond, December 4, 2024, <https://www.npr.org/2024/12/03/nx-s1-5198506/rfk-jr-anti-vaccine-chd-lawsuits>.

5. Since 2020, Children's Health Defense has filed approximately 30 federal and state lawsuits challenging vaccines and public health mandates with you representing Children's Health Defense in some of these cases.⁸³ Will you recuse yourself from any HHS decisions affecting any matter that has been the subject of a lawsuit by Children's Health Defense?

Baseless Conspiracies About Public Health and Medicine

You have amplified several concerning conspiracy theories throughout the years that deny science and fact. These conspiracies are antithetical to public health. Please answer whether these comments accurately represent your views:

1. You oppose fluoride in water because you claim it lowers the IQ of children.⁸⁴ Do you still believe this?
2. You claimed that wi-fi causes autism, asthma, and other chronic diseases.⁸⁵ Do you still believe this?
3. You claimed that HIV does not cause AIDs.⁸⁶ Do you still believe this? Will you support a national strategy to end the HIV epidemic and oppose efforts to cut funds for the HIV epidemic?

FDA and CDC

Over the past several months, you have publicly advocated for the swift defunding and reorganization of several agencies under HHS, particularly the FDA and CDC. In a statement on X, you wrote: "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."⁸⁷ Although I agree that it is important to combat corruption,⁸⁸ I am concerned about the approach you plan to take to address this issue. In the same post, you claimed the FDA suppressed a wide range of items, including "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" and vowed to return the FDA to a

⁸³ *Id.*

⁸⁴ The Atlantic, "'Make America Healthy Again' Sounds Good Until You Start Asking Questions," November 9, 2024, <https://www.theatlantic.com/health/archive/2024/11/robert-kennedy-jr-trump-maha/680612/>.

⁸⁵ Vice, "Spotify Has Stopped Even Sort of Trying to Stem Joe Rogan's Vaccine Misinformation," Anna Merlan, June 16, 2023, <https://www.vice.com/en/article/spotify-rogan-rfk-vaccine-misinformation-policy/>.

⁸⁶ New York Magazine, "RFK Jr.'s Inside Job How a conspiracy-spewing literal Kennedy posing as a populist outsider jolted the Democratic Party," Rebecca Traister, June 30, 2023, <https://nymag.com/intelligencer/article/robert-f-kennedy-jr-2024-presidential-campaign-democratic-primary.html>.

⁸⁷ Tweet by Robert F. Kennedy Jr., October 25, 2024, <https://x.com/RobertKennedyJr/status/1849925311586238737>.

⁸⁸ STAT, "Elizabeth Warren blasts former FDA commissioner for joining Pfizer's board," Lev Facher, July 2, 2019, <https://www.statnews.com/2019/07/02/warren-blasts-gottlieb-pfizer-board/>; Letter from Senator Elizabeth Warren to Acting Inspector General of the Department of Treasury Richard Delmar, May 10, 2024, https://www.warren.senate.gov/imo/media/doc/final_-_warren_jayapal_letter_to_treasury_inspector_general_on_conflict_of_interest_investigation.pdf.

gold standard.⁸⁹ This presents a conflicting narrative that suggests that you favor “independence between public health agencies and the pharmaceutical and food industries” but also seek to legalize drugs and supplements that lack sound scientific basis.⁹⁰ Yet, between these two ideologies, your position remains unclear. Additionally, you have historically claimed that the CDC is a “cesspool of corruption,” that harms children similar to “Nazi death camps.”⁹¹

I have the following questions on this subject:

1. How will you ensure that food and medicine are safe for consumption given your plans for deregulation?
2. Do you still plan to fire FDA employees as you alluded to in your October social media post?⁹² To the extent you intend to fire any FDA employees, what will be your standard for doing so?
3. What “gold standard” of scientific review do you have planned for the FDA?
4. During his first term, President-Elect Trump pressured the FDA to authorize unproven treatments for Covid-19.⁹³ What is your plan to protect the independent scientific decision making of agencies like the FDA from political interference?
5. Do you believe in the CDC’s mission to fight diseases, including those that “start at home or abroad, are chronic or acute, curable or preventable, human error or deliberate attack”?⁹⁴ Should that component of the CDC’s responsibilities be maintained or changed, and how would you work to bring about such evolution?

NIH

Another HHS agency you have vocally advocated to uproot is the NIH, which “works to prevent disease and improve health.”⁹⁵ As the largest source of federal research funding for universities, the NIH provides the opportunity for life changing and lifesaving research across the country and

⁸⁹ Tweet by Robert F. Kennedy Jr., October 25, 2024, <https://x.com/RobertKennedyJr/status/1849925311586238737>; Forbes, “RFK Jr. Says He Wants To Untie Links Between Industry And FDA,” Joshua Cohen, December 4, 2024, <https://www.forbes.com/sites/joshuacohen/2024/12/04/rfk-jr-says-he-wants-to-untie-links-between-industry-and-fda/>.

⁹⁰ *Id.*

⁹¹ NBC News, “RFK Jr. attacked the CDC’s ‘fascism’ and likened vaccinating children to abuse by the Catholic Church,” Brandy Zadrozny, November 27, 2024, <https://www.nbcnews.com/health/health-news/rfk-jr-vaccines-cdc-fascism-abuse-catholic-church-autism-conferences-rcna181605>.

⁹² Tweet by Robert F. Kennedy Jr., October 25, 2024, <https://x.com/RobertKennedyJr/status/1849925311586238737>.

⁹³ Politico, “Trump White House exerted pressure on FDA for Covid-19 emergency use authorizations, House report finds,” Katherine Ellen Foley, August 24, 2022, <https://www.politico.com/news/2022/08/24/trump-white-house-exerted-pressure-on-fda-for-covid-19-emergency-use-authorizations-house-report-finds-00053428>.

⁹⁴ World Health Organization, <https://extranet.who.int/sph/united-states-centers-disease-control-and-prevention-us-cdc#:~:text=CDC%20works%2024/7%20to%20protect%20America%20from%20health%2C%20safety%20and%20security%20threats&text=attack%2C%20CDC%20fights%20disease%20and%20supports%20communities%20and%20citizens%20to%20do%20the%20same>.

⁹⁵ National Institutes of Health, “About NIH,” <https://www.nih.gov/about-nih>.

globe.⁹⁶ You have publicly stated that you plan to “give infectious disease a break for about eight years” and immediately replace 600 NIH employees on January 20th.⁹⁷ In lieu of infectious diseases, you proposed that half of the NIH’s research budget should be directed towards “preventative, alternative, and holistic approaches to health.”⁹⁸ This would be debilitating to pause lifesaving research and disrupt the work to promote your own agenda.

I have the following questions on this subject:

1. Do you still believe that the NIH needs to take a “break” from infectious disease research for eight years? If so, what would that entail? How do you plan to restructure grants that are actively studying infectious disease?
2. Do you still plan to fire 600 NIH employees? If so, which departments and research projects do you plan to cut?
3. In an op-ed published in September 2024, you said that half of the NIH’s research budget should be towards “preventive, alternative, and holistic approaches to health.”⁹⁹ Do you still believe in this policy proposal? If so, what do you define as “preventative, alternative, and holistic”?
4. If confirmed as Secretary of HHS, will you intervene on individual agency decisions made by teams of scientific and technical experts? If so, how do you intend to do so?
5. Sen. Bill Cassidy, the new chair of the Senate HELP Committee, released new proposals to modernize the NIH.¹⁰⁰ Do you agree with these proposals? If confirmed as Secretary of HHS, will you implement these proposals?

Food Regulation

Some of your comments about food regulation are concerning. I am troubled by your critiques of the FDA regarding its “aggressive suppression” of products such as raw milk, which you believe

⁹⁶ Inside Higher Ed, “Robert F. Kennedy Jr.’s Appointment Would ‘Put Americans at Risk,’” Ryan Quinn and Kathryn Palmer, November 15, 2024, <https://www.insidehighered.com/news/government/science-research-policy/2024/11/15/what-robert-f-kennedy-jr-has-said-about-nih>.

⁹⁷ Independent, “RFK Jr pushes for ‘break’ in infectious diseases research,” Gustaf Kilander, November 4, 2023, <https://www.the-independent.com/news/world/americas/us-politics/robert-f-kennedy-jr-vaccines-b2441705.html>; NBC News, “RFK Jr. comes ‘home’ to his anti-vaccine group, commits to ‘a break’ for U.S. infectious disease research,” Brandy Zadrozny, November 3, 2023, <https://www.nbcnews.com/politics/politics-news/rfk-jr-comes-home-anti-vaccine-group-commits-break-us-infectious-disea-rcna123551>; NPR, “With Trump coming into power, the NIH is in the crosshairs,” Rob Stein, November 12, 2024, <https://www.npr.org/2024/11/12/nx-s1-5183014/trump-election-2024-nih-rfk>.

⁹⁸ Wall Street Journal, “Trump Can Make America Healthy Again,” Robert F. Kennedy Jr., September 5, 2024, <https://www.wsj.com/opinion/trump-can-make-america-healthy-again-rfk-jr-reforms-chronic-disease-crisis-a9b4b8c0>.

⁹⁹ *Id.*

¹⁰⁰ Senate Committee on Health, Education, Labor & Pensions, “NIH in the 21st Century: Ensuring Transparency and American Biomedical Leadership,” Senator Bill Cassidy, https://www.help.senate.gov/imo/media/doc/nih_modernization_5924pdf.pdf.

“advances human health.”¹⁰¹ Both the FDA and CDC have confirmed that drinking raw milk, as you suggest and practice, can cause several foodborne illnesses.¹⁰²

Yet, we might agree on other policies. During your bid for president, you had several ideas about food reform including: overhauling dietary guidelines, reforming federal programs that pay for ultra-processed foods, taking on crop subsidies, and potentially banning pesticides and chemicals.¹⁰³ I agree that we should take care of what we put into our bodies and protect the farmworkers and food chain workers who produce what we consume. Farmworkers typically undergo dangerous working conditions such as heightened exposure to pesticides that put them at great risk.¹⁰⁴

I have the following questions on this subject:

1. Mark McAfee, the CEO of a raw milk production company whose products have repeatedly been recalled due to bird flu contamination, claims that your team approached him to apply for a position to advise on raw milk policy and standards development.¹⁰⁵ Is there any truth to this statement? What would encapsulate an advisory position on raw milk policy and standards development?
2. During President-Elect Trump’s first administration, he attempted to lower standards for the National School Lunch and Breakfast Programs.¹⁰⁶ Given your push for stricter regulations of food additives and processed foods, did you support then-President Trump’s rollback of nutrition standards, such as sodium and whole grains, for school lunches?¹⁰⁷ Will you support him if he attempts to impose these standards in this administration?
3. The Dietary Guidelines for Americans shapes federal nutrition advice.¹⁰⁸ As HHS Secretary will you commit to push for stronger recommendations against ultra-processed foods—particularly those laden with sugar, fat, and harmful additives?

¹⁰¹ The Washington Post, “RFK Jr. says he drinks raw milk. How safe is unpasteurized milk?” Teddy Amenabar, November 21, 2024, <https://www.washingtonpost.com/wellness/2024/11/21/rfk-jr-raw-milk-difference-taste/>.

¹⁰² *Id.*; U.S. Food and Drug Administration, “Raw Milk,” <https://www.fda.gov/food/resources-you-food/raw-milk>; U.S. Centers for Disease Control and Prevention, “Raw Milk,” <https://www.cdc.gov/food-safety/foods/raw-milk.html>.

¹⁰³ NPR, “RFK Jr. wants to 'Make America Healthy Again.' He could face a lot of pushback,” Will Stone and Allison Aubrey, November 15, 2024, <https://www.npr.org/sections/shots-health-news/2024/11/15/nx-s1-5191947/trump-rfk-health-hhs>.

¹⁰⁴ Warren for Senate, “Dignity for Farmworkers and Food Chain Workers,” <https://elizabethwarren.com/plans/farmworkers-food-chain-workers>.

¹⁰⁵ The Guardian, “Raw milk CEO whose products have been recalled may lead US raw milk policy,” Maanvi Singh, December 5, 2024, <https://www.theguardian.com/us-news/2024/dec/05/mark-mcafee-raw-milk-bird-flu-rfk>.

¹⁰⁶ Democracy Forward, “BREAKING: Federal Court Vacates Trump Administration’s Unlawful Rollback of School Nutrition Standards,” press release, April 14, 2020, <https://democracyforward.org/updates/federal-court-vacates-trump-admin-unlawful-rollback-of-school-nutrition-standards/>.

¹⁰⁷ ABC News, “RFK Jr. wants to regulate farms and food, but may face GOP opposition,” Mary Kekatos, December 3, 2024, <https://abcnews.go.com/Health/rfk-jr-plans-may-face-gop-opposition/story?id=116285082>.

¹⁰⁸ Time, “The Power RFK Jr. Would Have Over Food,” Nik Popli, December 6, 2024, <https://time.com/7200323/rfk-jr-hhs-food-nutrition-health/emercy>.

4. Under your “Make America Healthy Again” plan, you said that you would disallow Supplemental Nutrition Assistance Program (SNAP) beneficiaries from using food stamps to buy soda or processed foods widely considered to be unhealthy.¹⁰⁹ How does this plan consider food deserts where Americans in cities and rural communities rely on convenience stores with highly processed foods because grocery stores with healthier alternatives are inaccessible?¹¹⁰
5. Will you commit to protecting the independence of FDA’s decision making with regard to food safety and the enforcement of food safety standards?

Drug Pricing

Despite your tendency to flip flop on issues, I am encouraged by your previous advocacy to lower U.S. prescription drug costs, which are nearly three times higher compared to other advanced economies. In September, for example, you wrote an op-ed in the Wall Street Journal outlining your support for government price negotiations, including the ability to “cap drug prices so that companies can’t charge Americans substantially more than Europeans pay.”¹¹¹

If confirmed as HHS Secretary, you would have enormous influence over drug pricing. For example, the HHS Secretary is responsible for implementing the drug pricing provisions in the Inflation Reduction Act of 2022 (IRA), which, for the first time, authorized HHS to negotiate drug prices directly with pharmaceutical companies on behalf of Medicare beneficiaries.¹¹² Since the law’s passage in 2022, HHS has negotiated lower prices on 10 of the most expensive and common drugs in the Medicare program, reducing list prices by up to 79 percent.¹¹³ On the whole, price negotiations are expected to save Americans \$1.5 billion in out-of-pocket costs in 2026, and, if continued, will save taxpayers roughly \$100 billion over the next decade.¹¹⁴

These reforms are common sense; prior to the passage of the IRA, the U.S. was the only advanced county in the world that was prohibited from negotiating drug prices, largely due to the influence

¹⁰⁹ Barron’s, “RFK Jr. Wants to Limit SNAP Purchases. These Food Stocks Could Feel the Pinch Most,” Evie Liu, November 18, 2024, <https://www.barrons.com/amp/articles/rfk-jr-snap-food-stocks-462d3211>.

¹¹⁰ Feeding Northeast Florida, “What Is a Food Desert?,” [https://feedingnefl.org/what-is-a-food-desert/#:~:text=The%20U.S.%20Department%20of%20Agriculture%20\(USDA\)%20defines,the%20nearest%20grocery%20store%20in%20rural%20areas](https://feedingnefl.org/what-is-a-food-desert/#:~:text=The%20U.S.%20Department%20of%20Agriculture%20(USDA)%20defines,the%20nearest%20grocery%20store%20in%20rural%20areas).

¹¹¹ Wall Street Journal, “Trump Can Make America Healthy Again,” Robert F. Kennedy Jr., September 5, 2024, <https://www.wsj.com/opinion/trump-can-make-america-healthy-again-rfk-jr-reforms-chronic-disease-crisis-a9b4b8c0>.

¹¹² Office of the Assistant Secretary for Planning and Evaluation, “Inflation Reduction Act Research Series: Understanding Development and Trends in Utilization and Spending for Drugs Selected Under the Medicare Drug Price Negotiation Program,” August 29, 2023, [https://aspe.hhs.gov/reports/ira-research-series-medicare-drug-price-negotiation-program#:~:text=The%20Inflation%20Reduction%20Act%20\(IRA,Related%20Products:](https://aspe.hhs.gov/reports/ira-research-series-medicare-drug-price-negotiation-program#:~:text=The%20Inflation%20Reduction%20Act%20(IRA,Related%20Products:)

¹¹³ The White House, “FACT SHEET: Biden-Harris Administration Announces New, Lower Prices for First Ten Drugs Selected for Medicare Price Negotiation to Lower Costs for Millions of Americans,” press release, August 15, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/08/15/fact-sheet-biden-harris-administration-announces-new-lower-prices-for-first-ten-drugs-selected-for-medicare-price-negotiation-to-lower-costs-for-millions-of-americans/>.

¹¹⁴ *Id.*; Congressional Budget Office, “How CBO Estimated the Budgetary Impact of Key Prescription Drug Provisions in the 2022 Reconciliation Act,” February 2023, <https://www.cbo.gov/system/files/2023-02/58850-IRA-Drug-Provs.pdf>.

of the pharmaceutical lobby.¹¹⁵ Despite the IRA’s success, leading Congressional Republicans have currently targeted the program, incorrectly branding negotiations as “government price controls.”¹¹⁶ Short of an outright repeal, which is supported by leaders of President-Elect Trump’s party, you would have vast discretion to undermine the outcome of the negotiations if confirmed as HHS Secretary. For example, you would be able to slow down implementation of the IRA; fail to select certain high-cost drugs for negotiations; and fail to mount a robust legal defense of the law, which has been targeted in court by giant pharmaceutical companies hellbent on maximizing profits.

More broadly, you have been outspoken in criticizing the pharmaceutical industry and its prioritization of profits at the expense of human health.¹¹⁷ In particular, you have called for removing “barrier[s] to entry” for smaller firms to promote competition and lower costs in the pharmaceutical industry.¹¹⁸ If confirmed as HHS Secretary, you would have the power through the FDA to rein in giant pharmaceutical companies who abuse the patent system to block competition from smaller firms, often in violation of antitrust law.

In addition to regulating the pharmaceutical industry, the HHS Secretary has broad authority to rein in abuses by dominant middlemen in the pharmaceutical supply chain. This includes abuses by pharmacy benefit managers (PBMs), which President-Elect Trump has branded as “famous middlemen” that “rip[] off Medicare patients with high prescription prices.”¹¹⁹ While PBM reform was stripped from the Continuing Resolution due to objections from Elon Musk,¹²⁰ if confirmed as HHS Secretary, you could use your administrative authority to ramp up enforcement against PBMs by mandating complete drug price reporting, including manufacturer rebates and reimbursements to pharmacies; conduct audits of PBMs that contract with the federal government; propose rules that require PBMs to favor lower-cost generics on insurers’ formularies; and more.

I have the following questions on this subject:

¹¹⁵ ScienceDirect, “Medicare Drug Price Negotiation in the United States: Implications and Unanswered Questions,” Sean D. Sullivan, March 2023, <https://www.sciencedirect.com/science/article/pii/S1098301522047477>; The Washington Post, “How Big Pharma is fighting Biden’s program to lower seniors’ drug costs,” Tony Romm, March 11, 2024, <https://www.washingtonpost.com/business/2024/03/11/pharma-drug-priding-biden-negotiations/>.

¹¹⁶ House Committee on Appropriations, “House Republican Bills Attack and Undermine the Inflation Reduction Act and Bipartisan Infrastructure Law,” <https://democrats-appropriations.house.gov/sites/evo-subsites/democrats-appropriations.house.gov/files/FY24%20House%20Republican%20Cuts%20IRA%20and%20IIJA.pdf>; Roll Call, “Future of Medicare drug price negotiations murky under Trump,” Lia DeGroot and Jessie Hellmann, November 15, 2024, <https://rollcall.com/2024/11/15/future-of-medicare-drug-price-negotiations-murky-under-trump/>.

¹¹⁷ The New York Times, “Robert F. Kennedy Jr.’s Billion-Dollar Hit to Big Pharma,” Andrew Ross Sorkin, Ravi Mattu, Bernhard Warner, Sarah Kessler, Michael J. de la Merced and Lauren Hirsch, November 15, 2024, <https://www.nytimes.com/2024/11/15/business/dealbook/trump-robert-f-kennedy-stocks.html>.

¹¹⁸ Wall Street Journal, “Trump Can Make America Healthy Again,” Robert F. Kennedy Jr., September 5, 2024, <https://www.wsj.com/opinion/trump-can-make-america-healthy-again-rfk-jr-reforms-chronic-disease-crisis-a9b4b8c0>.

¹¹⁹ The White House, “Remarks by President Trump on Delivering Lower Prescription Drug Prices for All Americans,” James S. Brady, November 20, 2020, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-delivering-lower-prescription-drug-prices-americans/>.

¹²⁰ Managed Healthcare, “Spending Patch Averts Shutdown, Has No PBM Measures,” Peter Wehrwein, December 21, 2024, <https://www.managedhealthcareexecutive.com/view/spending-patch-averts-shutdown-has-no-pbm-measures>.

1. Do you agree that drug prices are too high?
2. Would you continue to support implementation, without interruption, of the drug price negotiation program of the IRA?
 - a. Would you support expanding the number of drugs that are eligible for price negotiation?
 - b. Several major drug companies have launched lawsuits seeking to dismantle the drug negotiation provisions of the IRA and maintain their grip on drug pricing.¹²¹ These lawsuits defy the will of the American people and threaten millions of patients whose drug costs are out of control and who would feel relief from Medicare negotiation. If confirmed as Secretary of HHS, would you fight these lawsuits in court?
 - c. Given the CMS has “announced the negotiated prices for the first 10 selected drugs, and under the IRA’s provisions must select the next round by Feb. 1, [2025],”¹²² do you have any plans now or in the future to slow the negotiations or prevent the implementation of the IRA’s provisions?
3. In an op-ed in September 2024, you said “[l]egislators should cap drug prices so that companies can’t charge Americans substantially more than Europeans pay” and criticized how Ozempic is so much more expensive in the United States than in Germany where they negotiate price.¹²³ Given your support of price negotiations, do you still stand by these statements? If confirmed as Secretary of HHS, do you have plans to push forward this policy?
4. Pharmaceutical companies are gaming the patent system to block competition from lower-cost generics, often in violation of antitrust law.¹²⁴ If confirmed as Secretary of HHS, what plans do you have to crack down on patent abuses by the pharmaceutical industry?
 - a. The FDA and the U.S. Patent and Trademark Office (USPTO) are engaging in initiatives that protect and promote marketplace competition and lower drug

¹²¹ KFF, “FAQs about the Inflation Reduction Act’s Medicare Drug Price Negotiation Program,” Juliette Cubanski, November 19, 2024, [https://www.kff.org/medicare/issue-brief/faqs-about-the-inflation-reduction-acts-medicare-drug-price-negotiation-program/#:~:text=Back%20to%20top\)-.What%20is%20the%20status%20of%20lawsuits%20challenging%20the%20drug%20price,raises%20are%20the%20following](https://www.kff.org/medicare/issue-brief/faqs-about-the-inflation-reduction-acts-medicare-drug-price-negotiation-program/#:~:text=Back%20to%20top)-.What%20is%20the%20status%20of%20lawsuits%20challenging%20the%20drug%20price,raises%20are%20the%20following).

¹²² Bloomberg Law, “RFK Jr. Fuels Uncertainty on Policies From Medicare to Abortion,” Celine Castronuovo, Tony Pugh, and Ganny Belloni, November 15, 2024, <https://news.bloomberglaw.com/health-law-and-business/rfk-jr-fuels-uncertainty-on-policies-from-medicare-to-abortion>.

¹²³ Wall Street Journal, “Trump Can Make America Healthy Again,” Robert F. Kennedy, Jr., September 5, 2024, <https://www.wsj.com/opinion/trump-can-make-america-healthy-again-rfk-jr-reforms-chronic-disease-crisis-a9b4b8c0>.

¹²⁴ STAT, “More drugmakers are filing continuation patents that sideline generic competition,” Ed Silverman, August 8, 2023, https://www.statnews.com/pharmalot/2023/08/08/patents-generic-fda-monopoly-medicine/?utm_campaign=pharmalot&utm_medium=email&_hsmi=269531613&_hsenc=p2ANqtz-clIT8TCIPMR-URWvut0aOMF9Bxs3rLvL-BCv6EOB2Znn1T37LLu2Tq3OA5KI8div2poRuZVnJTRVfkE0fa_MK9YnkFhhTm16thlZsP2m_sBcsns&utm_content=269531613&utm_source=hs_email.

prices.¹²⁵ If confirmed as Secretary of HHS, how will you be working with the Secretary of Commerce for the USPTO to meet these initiatives?

- b. I have long urged the FDA under the Biden Administration to address big pharmaceutical companies' anti-competitive business practices to keep drug prices high.¹²⁶ One method is updating FDA guidelines for the Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book to account for these business practices.¹²⁷ If confirmed as Secretary of HHS, will you commit to urge the FDA to issue stronger Orange Book guidelines to protect generics from abusive patent practices?
5. Under 28 U.S.C. § 1498, HHS has the clear authority to license generic competition on any patented invention "used or manufactured by or for the United States." If confirmed as Secretary of HHS, would you commit to use this power to lower drug prices, as it has been used before?¹²⁸
6. The Bayh-Dole Act, codified in 35 U.S.C. § 203, gives the federal government the right to grant licenses to "responsible applicant[s]" for patented inventions developed with federal funds if those inventions are not "available to the public on reasonable terms," which includes price.¹²⁹ Do you support the use of march-in rights to help lower drug costs for Americans? Do you believe that a drug's price is an appropriate factor to consider in determining if the government should exercise march-in rights? If confirmed as Secretary of HHS, would you commit to strengthen and finalize the *Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights*?¹³⁰
7. During President-Elect Trump's first administration, he issued an executive order that would have required Medicare to pay no more than the lowest prices in other Organization

¹²⁵ Food and Drug Administration, "FDA-USPTO Collaboration Initiatives," November 4, 2022,

<https://www.fda.gov/about-fda/reports/fda-uspto-collaboration-initiatives>.

¹²⁶ Letter from Senator Elizabeth Warren to FDA Commissioner Dr. Robert M. Califf, August 28, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.08.28%20Letter%20to%20FDA%20re%20drug%20patents.pdf>; Letter from Senator Elizabeth Warren to FDA Commissioner Dr. Robert M. Califf, February 15, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.02.15%20Letter%20to%20FDA%20re%20Orange%20Book%20Guidance.pdf>.

¹²⁷ *Id.*

¹²⁸ 18 YALE J. L. & TECH. 275 (2016), "A Prescription for Excessive Drug Pricing," 2016, Hannah Brennan, Amy Kapczynski, Christine H. Monahan, & Zain Rizvi,

https://yjolt.org/sites/default/files/kapczynski_18yjolt275_gk_0_0.pdf; Letter from Harvard Medical School/BWH PORTAL: Program On Regulation, Therapeutics, And Law and Yale Law School GHJP: Global Health Justice Partnership to Senator Elizabeth Warren, April 20, 2022,

<https://www.warren.senate.gov/imo/media/doc/2022.4.20%20Letter%20to%20Warren%20on%20Drug%20Pricing%20Executive%20Authorities.pdf>.

¹²⁹ National Institutes of Health, "Bayh-Dole Regulations," [https://grants.nih.gov/policy-and-compliance/policy-topics/intellectual-property/bayh-dole#:~:text=\(e\)%20The%20term%20practical%20application,the%20public%20on%20reasonable%20terms](https://grants.nih.gov/policy-and-compliance/policy-topics/intellectual-property/bayh-dole#:~:text=(e)%20The%20term%20practical%20application,the%20public%20on%20reasonable%20terms).

¹³⁰ Office of Senator Elizabeth Warren, "Senators Warren, King, and Representative Doggett Urge Commerce, HHS to Strengthen and Finalize Guidance on "March-In" Rights to Protect Consumers From High Drug Prices," press release, August 9, 2024, <https://www.warren.senate.gov/newsroom/press-releases/senators-warren-king-and-representative-doggett-urge-commerce-hhs-to-strengthen-and-finalize-guidance-on-march-in-rights-to-protect-consumers-from-high-drug-prices>.

for Economic Co-operation and Development (OECD) countries for drugs.¹³¹ Are you in favor of this order? Do you have any plans to push forward this policy if you become the Secretary of HHS?

8. You noted in your op-ed that the U.S. and New Zealand are the only nations that allow full advertising of prescription medicines to the public.¹³² Congress has given the FDA the power to regulate consumer advertising of prescription medicine, but the Agency's efforts are minimal. What will you do to remedy this?
9. As you noted in your op-ed, U.S. citizens pay ten times more for semaglutide drugs than patients in some European countries.¹³³ Compounded versions of semaglutide drugs could offer a less-expensive alternative, but HHS' regulations need to be fully fleshed out in this arena. How will you focus on resolving those issues?
10. Multiple federal, state, and local investigations have revealed widespread abuse by the largest PBMs, all of which have overcharged federal and state health programs for prescription drugs.¹³⁴ If confirmed as Secretary of HHS, would you support efforts to crack down on PBMs and exercise your authority to reduce the cost of prescription drugs?
 - a. Recent reporting shows that some PBMs reimburse pharmacies much less than the cost of the prescriptions filled, especially in Medicare.¹³⁵ What plans do you have to address this?
 - b. If confirmed as Secretary of HHS, would you require low-income assistance programs for patients that are denied access to the authorized generic by their PBM or insurer?
11. Do you support repealing the safe harbor to the federal anti-kickback statute, which enables pharmaceutical middlemen, such as PBMs and group purchasing organizations (GPOs), to accept kickbacks and rebates from drug manufacturers?
12. Do you support comprehensive PBM reform, including banning spread pricing in Medicare managed care programs and requiring PBMs to reimburse pharmacies according to fair benchmarks that account for their costs?

Medicare and Medicaid

¹³¹ The White House, "Executive Order on Lowering Drug Prices by Putting America First," September 13, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-lowering-drug-prices-putting-america-first-2/>.

¹³² Wall Street Journal, "Trump Can Make America Healthy Again," Robert F. Kennedy, Jr., September 5, 2024, <https://www.wsj.com/opinion/trump-can-make-america-healthy-again-rfk-jr-reforms-chronic-disease-crisis-a9b4b8c0>.

¹³³ *Id.*

¹³⁴ Committee on Oversight and Accountability, "Hearing Wrap Up: Oversight Committee Exposes How PBMs Undermine Patient Health and Increase Drug Costs," press release, July 23, 2024, <https://oversight.house.gov/release/hearing-wrap-up-oversight-committee-exposes-how-pbms-undermine-patient-health-and-increase-drug-costs/>.

¹³⁵ Letter from Senator Elizabeth Warren to Senators Charles Schumer and Mitch McConnell, March 15, 2024, <https://www.warren.senate.gov/imo/media/doc/2024-03-15-Letter-to-Leadership-PBMs.pdf>.

Medicare and Medicaid account for a sizable portion of the HHS budget,¹³⁶ providing insurance for over 12 million Americans.¹³⁷ Yet, your views on these key programs remain relatively unclear.¹³⁸

I have been a strong and unrelenting advocate for these programs, and for ensuring that beneficiaries and taxpayers are not getting ripped off by health insurers, pharmaceutical manufacturers, and other parts of the health care system. In particular, I have continuously rung the alarm over rampant abuse in Medicare Advantage (MA), the program that allows private insurers to administer coverage for over half of all Medicare beneficiaries, or 33 million seniors and people with disabilities.¹³⁹ While the MA program was founded on the premise that private insurance companies would administer Medicare coverage more cost-effectively, the program has failed to deliver savings in any year since its inception in 2003.¹⁴⁰ In fact, the non-partisan Medicare Payment Advisory Commission (MedPAC) estimates that taxpayers will overpay private insurers in MA by \$83 billion in 2024 alone relative to Traditional Medicare.¹⁴¹

In addition to taxpayer abuse, federal watchdogs have found that private insurers in the program routinely obstruct access to medically necessary care, squeeze independent physician practices, and use deceptive marketing tactics to lure seniors into their plans.¹⁴² However, President-Elect

¹³⁶ U.S. Department of Health and Human Services, “Fiscal Year 2024 Budget in Brief,” <https://www.hhs.gov/sites/default/files/fy-2024-budget-in-brief.pdf>.

¹³⁷ U.S. Centers for Medicare & Medicaid Services, “Medicare-Medicaid Enrollee State Profiles,” September 10, 2024, <https://www.cms.gov/data-research/research/statistical-resources-dually-eligible-beneficiaries/medicare-medicaid-enrollee-state-profiles#:~:text=Today%20there%20are%20over%2012.2,the%20demographic%20characteristics%2C%20utilization%2C%20condition>.

¹³⁸ Modern Healthcare, “Washington healthcare world steels itself for RFK Jr.’s HHS,” Bridget Early and Michael McAuliff, November 15, 2024, <https://www.modernhealthcare.com/politics-policy/robert-f-kennedy-jr-rfk-hhs-cms-medicare-medicaid-regulation>.

¹³⁹ Letter from Senator Warren to Administrator to the Centers for Medicare & Medicaid Services Chiquita Brooks-LaSure, December 16, 2024, https://www.warren.senate.gov/imo/media/doc/final_-_warren_doggett_letter_to_cms_on_upcoding_in_ma.pdf; Letter from Senator Warren to Administrator to the Centers for Medicare & Medicaid Services Chiquita Brooks-LaSure, May 29, 2024, https://www.warren.senate.gov/imo/media/doc/final_-_warren_letter_to_cms_on_ma_data_rfi_on_intercompany_transfers.pdf; Letter from Senator Warren to Secretary of the U.S. Department of Health and Human Services Xavier Becerra and Administrator to the Centers for Medicare & Medicaid Services Chiquita Brooks-LaSure, March 4, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.03.04%20Letter%20to%20CMS%20on%20Medicare%20Advantage%20reforms.pdf>.

¹⁴⁰ Letter from Senator Warren to Administrator to the Centers for Medicare & Medicaid Services Chiquita Brooks-LaSure, January 25, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.01.25%20Letter%20to%20CMS%20on%20Medicare%20Advantage%20overpayments.pdf>.

¹⁴¹ Medicare Payment Advisory Commission, “Report to the Congress: Medicare Payment Policy,” March 2024, p. 373, https://www.medpac.gov/wp-content/uploads/2024/03/Mar24_Ch12_MedPAC_Report_To_Congress_SEC-1.pdf.

¹⁴² Education & The Workforce Committee Democrats, “NEW: Government Watchdog Report Finds Health Insurance Alternatives May Leave Consumers and Workers Vulnerable to Low-Quality Coverage, Misleading Marketing,” press release, August 2, 2023, <https://democrats-edworkforce.house.gov/media/press-releases/new-government-watchdog-report-finds-health-insurance-alternatives-may-leave-consumers-and-workers-vulnerable-to>

Trump's pick to serve under you at the CMS, Dr. Mehmet Oz, has promoted the further expansion of MA and the elimination of Traditional Medicare, which would result in further denials of care and higher costs for taxpayers and patients.¹⁴³

Moreover, I am concerned about Republican proposals to cut Medicaid in order to pay for proposed tax cuts to ultra-wealthy individuals and large corporations.¹⁴⁴ Short of outright Medicaid cuts, which would have devastating consequences for the nearly 80 million Americans that rely on Medicaid to make ends meet, some Republican leaders have proposed program changes that would increase barriers to care.¹⁴⁵ For example, Senator Scott has proposed instituting work requirements in Medicaid, which have been bound to significantly lower Medicaid enrollment without resulting in employment increases.¹⁴⁶

You have not made your stance clear on the Medicare and Medicaid programs, raising questions about your stewardship of taxpayer funds and oversight of patient abuses in programs you would oversee if confirmed.

I have the following questions on this subject:

1. Project 2025 called for expanding MA to take over all Medicare, effectively eliminating Traditional Medicare.¹⁴⁷ Dr. Mehmet Oz, President-Elect Trump's nominee to run the CMS, also has called for the elimination of Traditional Medicare. Do you agree with this policy proposal?

[low-quality-coverage-misleading-marketing](https://kffhealthnews.org/news/article/medicare-advantage-congress-hearing-care-overcharging/); KFF Health News, "Government Watchdogs Attack Medicare Advantage for Denying Care and Overcharging," Fred Schulte, June 29, 2022, <https://kffhealthnews.org/news/article/medicare-advantage-congress-hearing-care-overcharging/>; RISE, "Watchdog calls for tighter scrutiny of Medicare Advantage home visits," Fred Schulte, November 8, 2024, <https://www.risehealth.org/insights-articles/watchdog-calls-for-tighter-scrutiny-of-medicare-advantage-home-visits/>; American Association of Neurological Surgeons, "Federal Watchdog Agency Raises Concerns about Prior Authorization in Medicare," May 1, 2022, <https://www.aans.org/advocacy/articles/federal-watchdog-agency-raises-concerns-about-prior-authorization-in-medicare/>.

¹⁴³ Letter from Senator Elizabeth Warren to Dr. Mehmet Oz, December 10, 2024, https://www.warren.senate.gov/imo/media/doc/warren_letter_to_droz1.pdf.

¹⁴⁴ The White House, "FACT SHEET: Extreme House Republican Plan Would Cut Medicare and Social Security While Slashing Taxes for Big Corporations and the Wealthy," press release, April 4, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/04/fact-sheet-extreme-house-republican-plan-would-cut-medicare-and-social-security-while-slashing-taxes-for-big-corporations-and-the-wealthy/>.

¹⁴⁵ The New York Times, "Medicaid May Face Big Cuts and Work Requirements," Sarah Kliff and Noah Weiland, November 20, 2024, <https://www.nytimes.com/2024/11/20/health/medicaid-cuts-republican-congress.html>; Medicaid.gov, "September 2024 Medicaid & CHIP Enrollment Data Highlights," <https://www.medicare.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/report-highlights/index.html#:~:text=79%2C440%2C518%20people%20were%20enrolled%20in.people%20were%20enrolled%20in%20CHIP>.

¹⁴⁶ The Office of Senator Rick Scott, "IN CASE YOU MISSED IT... Sen. Rick Scott in The Washington Examiner: Republicans should take this first step to turn America's economy around," press release, December 16, 2024, <https://www.rickscott.senate.gov/2024/12/in-case-you-missed-it-sen-rick-scott-in-the-washington-examiner-republicans-should-take-this-first-step-to-turn-america-s-economy-around>.

¹⁴⁷ Morningstar, "Social Security and Medicare at stake as Washington's new team looks for cuts," Brett Arends, December 18, 2024, <https://www.morningstar.com/news/marketwatch/20241218216/social-security-and-medicare-at-stake-as-washingtons-new-team-looks-for-cuts>.

2. Do you believe it is important to preserve the Traditional Medicare program? MA enrollment has grown significantly in recent years and now outpaces enrollment in Traditional Medicare. What steps would you take to ensure that the program remains financially sustainable while delivering high-quality care to beneficiaries?
3. Earlier this year, I urged the CMS to take administrative action to prevent millions in overpayments to MA insurers, specifically to: (1) address perverse incentives in MA’s payment system, including favorable selection and risk code gaming, (2) reform the flawed Quality Bonus Program, and (3) crack down on private insurers that unlawfully deny care.¹⁴⁸ If confirmed as Secretary of HHS, will you support these efforts?
 - a. Additionally, I urged the Biden Administration to issue a proposed rule regarding MA overpayments before the end of 2024.¹⁴⁹ Given insurance companies are overcharging Medicare by more than \$80 billion, swift action is needed.¹⁵⁰ If confirmed as Secretary of HHS, will you support efforts to crack down on insurers?
4. What is your opinion on the state of the Medicare quality bonus system?
5. If you both are confirmed, how will you be working with Dr. Oz to reshape the Medicare coding system?
6. What will be your approach to handling the increasing rate of prior authorizations and other limits on Medicare enrollees’ care in the MA program?
7. Less than 10 percent of people appeal MA plan denials, but when they do, more than 80 percent win their appeal.¹⁵¹ Does this suggest to you that MA plans are denying more medically necessary care than they should?
8. Numerous reports have documented high pressure and misleading marketing tactics by insurance brokers seeking to enroll beneficiaries in private plans.¹⁵² What would you do to protect beneficiaries from these marketing strategies?
9. There are numerous horror stories about privatized Medicare plans harming consumers – from allegedly using AI tools to kick seniors out of care facilities to exceedingly regular

¹⁴⁸ Letter from Senator Warren to Administrator to the Centers for Medicare & Medicaid Services Chiquita Brooks-LaSure, January 25, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.01.25%20Letter%20to%20CMS%20on%20Medicare%20Advantage%20overpayments.pdf>.

¹⁴⁹ Bloomberg, “Warren Seeks Faster Crackdown on Insurers Overcharging Medicare by Billions,” Antonia Mufarech and John Tozzi, December 18, 2024, <https://www.bnnbloomberg.ca/business/company-news/2024/12/18/warren-seeks-faster-crackdown-on-insurers-overcharging-medicare-by-billions/>.

¹⁵⁰ *Id.*

¹⁵¹ KFF, “Use of Prior Authorization in Medicare Advantage Exceeded 46 Million Requests in 2022,” Jeannie Fuglesten Biniek, Nolan Srocynski, and Tricia Neuman, August 8, 2024, <https://www.kff.org/medicare/issue-brief/use-of-prior-authorization-in-medicare-advantage-exceeded-46-million-requests-in-2022/>.

¹⁵² KFF, “How Health Insurers and Brokers Are Marketing Medicare,” Jeannie Fuglesten Biniek, Alex Cottrill, Nolan Srocynski, Meredith Freed, Tricia Neuman, Breeze Floyd, Laura Baum, and Erika Franklin Fowler, September 20, 2023, <https://www.kff.org/report-section/how-health-insurers-and-brokers-are-marketing-medicare-report/>.

prior authorization denials.¹⁵³ The Biden administration has taken critical steps and issued critical rules to protect Medicare enrollees.¹⁵⁴ Will you commit to implementing these policies?

10. Do you support allowing flexibilities in the Medicaid program to cover social needs that contribute to poor health outcomes, such as housing support services, nutrition services, and home environment improvements (air ventilation, refrigeration, accessibility modifications)? Do you also support recent expansions to allow substance use coverage under Medicaid pre-release for people transitioning out of incarceration?
11. Medicaid is the primary payer for long-term care in the United States, particularly for older adults and people with disabilities. How would you address the growing need for long-term care services while ensuring Medicaid remains sustainable?
12. What are your primary concerns with the Medicaid program? In what ways would you try to shape the program to improve it?
13. In the past, and during the previous Trump administration, states have sought to score political points by requiring Medicaid enrollees to demonstrate that they are working. As you may not know, the vast majority of people on Medicaid who can work, work. The HHS office of the general counsel issued an advisory opinion about the disutility of this policy—which seeks to deprive extremely low-income people of health care at great administrative waste to the federal government.¹⁵⁵ Will you commit to preventing states from enacting this harmful, wasteful policy?
14. Many of your colleagues have called for limiting federal support to the Medicaid program, which would throw state budgets into disarray and result in substantial coverage losses. Do you believe federal Medicaid funding to states should be arbitrarily capped? If so, do you believe that not all low-income people should have access to health insurance?
15. In discussing budget cuts, Rep. Richard McCormick said "We're gonna have to have some hard decisions. We're gonna have to bring in the Democrats to talk about Social Security,

¹⁵³ STAT, "Medicare Advantage insurers ramped up use of technology to deny claims, Senate investigation shows," Bob Herman and Casey Ross, October 17, 2024, <https://www.statnews.com/2024/10/17/medicare-advantage-insurers-ai-technology-prior-authorization-claims-denials-senate-investigation/>; KFF, "Use of Prior Authorization in Medicare Advantage Exceeded 46 Million Requests in 2022," Jeannie Fuglesten Biniek, Nolan Sroczynski, and Tricia Neuman, August 8, 2024, <https://www.kff.org/medicare/issue-brief/use-of-prior-authorization-in-medicare-advantage-exceeded-46-million-requests-in-2022/>; CBS News, "UnitedHealth uses faulty AI to deny elderly patients medically necessary coverage, lawsuit claims," Elizabeth Napolitano, November 20, 2023, <https://www.cbsnews.com/news/unitedhealth-lawsuit-ai-deny-claims-medicare-advantage-health-insurance-denials/>.

¹⁵⁴ U.S. Department of Health and Human Services, "Biden-Harris Administration Finalizes Rule Expanding Access to Care and Increasing Protections for People with Medicare Advantage and Medicare Part D," April 4, 2024, <https://public3.pagefreezer.com/browse/HHS.gov/02-01-2025T05:49/https://www.hhs.gov/about/news/2024/04/04/biden-harris-administration-finalizes-rule-expanding-access-care-increasing-protections-people-medicare-advantage-medicare-part-d.html>.

¹⁵⁵ KFF Health News, "Georgia's Medicaid Work Requirements Costing Taxpayers Millions Despite Low Enrollment," Any Miller and Renuka Rayasam, March 20, 2024, <https://kffhealthnews.org/news/article/georgia-medicare-work-requirements-experiment-high-cost-low-enrollment/>.

Medicaid, Medicare.”¹⁵⁶ Other Republican leaders have also called for cuts to these programs.

a. Would you be opposed to any cuts to these programs?

16. Medicaid expansion has led to increased access to medications for opioid use disorder and other forms of substance use disorder treatment.¹⁵⁷ Do you support making Medicaid a block grant program?

17. Would you oppose other efforts to restrict Medicaid?

18. Do you have plans to reduce Medicaid enrollment? Do you have plans to issue payment changes to Medicaid?

The Affordable Care Act

The Affordable Care Act (ACA) safeguards individuals with pre-existing conditions from being denied coverage, provides federal premium assistance to make health insurance more affordable, and expands Medicaid coverage. Over 40 million people now have health care coverage under the law, and the nation’s uninsured rate is at a historic low.¹⁵⁸

Despite its success, President-Elect Trump and members of the party have spent years trying to repeal the law. During his first term in office, for example, President-Elect Trump signed an executive order directing federal agencies to undermine the ACA, and in May 2017, he invited Republican members of Congress to the White House after they passed legislation to repeal the bill.¹⁵⁹ Though his efforts ultimately failed, President-Elect Trump revived his attacks on the law in December, claiming that the ACA “stinks” and pledging to “come up with a much better, and less expensive, alternative.”¹⁶⁰ Yet when asked during an interview in December whether he had “an actual plan,” he told the American public he had “concepts of a plan.”¹⁶¹

As HHS Secretary, you would be responsible for overseeing and implementing the ACA. And while you have no public record regarding the ACA, you will likely be pressured by President Trump and members of his party to support legislative efforts to roll it back and use your

¹⁵⁶ Tweet by Aaron Rupar, December 3, 2024, <https://x.com/atrupar/status/1863970489414070299>.

¹⁵⁷ Center on Budget and Policy Priorities, “Medicaid Expansion Dramatically Increased Coverage for People with Opioid-Use Disorders, Latest Data Show,” Matt Broaddus, Peggy Bailey, and Aviva Aron-Dine, February 28, 2018, <https://www.cbpp.org/research/health/medicaid-expansion-dramatically-increased-coverage-for-people-with-opioid-use>; KFF, “The Opioid Epidemic and Medicaid’s Role in Facilitating Access to Treatment,” Kendal Orgera and Jennifer Tolbert, May 24, 2019, <https://www.kff.org/medicaid/issue-brief/the-opioid-epidemic-and-medicoids-role-in-facilitating-access-to-treatment/>.

¹⁵⁸ Center on Budget and Policy Priorities, “Entering Their Second Decade, Affordable Care Act Coverage Expansions Have Helped Millions, Provide the Basis for Further Progress,” Jennifer Sullivan, Allison Orris, and Gideon Lukens, March 25, 2024, <https://www.cbpp.org/research/health/entering-their-second-decade-affordable-care-act-coverage-expansions-have-helped>.

¹⁵⁹ CNN, “Fact check: Trump falsely claims he never wanted to end the Affordable Care Act,” Tami Luhby, October 31, 2024, <https://www.cnn.com/2024/10/31/politics/aca-trump-repeal-affordable-care-act/index.html>.

¹⁶⁰ Democrats.org, “FACT: Donald Trump’s ‘Concepts of a Plan’ Would ‘Terminate’ the Affordable Care Act,” December 9, 2024, <https://democrats.org/news/fact-donald-trumps-concepts-of-a-plan-would-terminate-the-affordable-care-act/>.

¹⁶¹ *Id.*

administrative authority to undermine it. For example, you could be pressured to erect barriers to enrollment through the ACA marketplace, cut off premium assistance for low-income individuals, roll back protections for individuals with pre-existing conditions, and expand access to health insurance products that do not meet ACA guidelines.

Accordingly, I have the following questions on this subject:

1. Do you support repealing the ACA?
2. The ACA includes several protections for individuals to safeguard against abuse by private health insurers.¹⁶² Will you commit that you will not seek to unravel or delay any of these protections through the rulemaking process or by issuing new agency guidance? Please provide answers with respect to the specific protections listed below:
 - a. Provisions that prevent insurers from refusing coverage or charging more for coverage for patients with pre-existing conditions;
 - b. Provisions that prevent insurers from charging exorbitant out of pocket costs;
 - c. Provisions that prevent insurers from charging women more for coverage than men;
 - d. Provisions that prohibit insurers from establishing annual or lifetime limits on coverage;
 - e. Provisions that prohibit insurers from rescinding coverage for the seriously ill;
 - f. Provisions that require certain insurers to provide preventive health care with no cost-sharing;
 - g. Provisions that guarantee insurance renewal for patients who pay their premiums in full; and
 - h. Provisions that expand insurance coverage of mental health and substance use disorder services.
3. During his first term, President-Elect Trump expanded the availability of short-term health plans, also known as “junk plans.”¹⁶³ These plans are not required to comply with protections under the ACA, allowing private health insurers to deny coverage based on pre-existing conditions and skirt requirements on essential benefits.¹⁶⁴ The Biden Administration reversed this damaging policy in 2024.¹⁶⁵ If confirmed as HHS Secretary, would you expand the availability of short-term health plans?
4. During his first term, President-Elect Trump cut back significantly on funding for ACA navigators, advertising, and other ACA outreach efforts, hindering enrollment efforts.¹⁶⁶ Will you commit to retaining robust outreach during future ACA enrollment periods?

¹⁶² Patient Protection and Affordable Care Act, Public Law. No. 111-148.

¹⁶³ The Hill, “Biden rolls back Trump expansion of short-term ‘junk’ insurance plans,” Nathaniel Weixel, March 28, 2024, <https://thehill.com/policy/healthcare/4561849-biden-trump-short-term-junk-insurance-plans-obamacare/>.

¹⁶⁴ Public Citizen, Health Care Sabotage: Final Rule Lets Insurers Offer Junk Plans That Can Discriminate Against Patients and Provide Minimal Benefits,” August 1, 2018, <https://www.citizen.org/news/health-care-sabotage-final-rule-lets-insurers-offer-junk-plans-that-can-discriminate-against-patients-and-provide-minimal-benefits/>.

¹⁶⁵ The Hill, “Biden rolls back Trump expansion of short-term ‘junk’ insurance plans,” Nathaniel Weixel, March 28, 2024, <https://thehill.com/policy/healthcare/4561849-biden-trump-short-term-junk-insurance-plans-obamacare/>.

¹⁶⁶ The Wall Street Journal, “Trump Administration Slashes Funds for ACA Outreach,” Stephanie Armour, July 10, 2018, <https://www.wsj.com/articles/trump-administration-slashes-funds-for-aca-outreach-1531272043>.

5. Do you support the expansion of Medicaid coverage through the ACA in all 50 states?
6. How would you address gaps in coverage for low-income individuals living in states that have not expanded Medicaid?
7. The Supreme Court is set to hear a case challenging the ACA’s requirement that insurers cover certain preventative care services, including cancer screenings.¹⁶⁷ If confirmed as HHS Secretary, are you committed to defending the law in court? In the event that the plaintiffs prevail, what would your plans be to ensure Americans have access to preventative care services at low costs?

Physician Payments

The Medicare billing codes are shaped by the American Medical Association (AMA), who study resources needed for medical services and issue recommendations that the government often follows.¹⁶⁸ These codes are a standardized system to classify medical diagnoses, procedures, diagnostic tests, treatments, equipment and supplies, ensuring patients and resident healthcare services are billed in an orderly and consistent manner.¹⁶⁹ The problem with this process is that the AMA recommendations have historically inflated how much time a physician needs to perform a procedure, which results in overpayments to physicians – particularly for specialists.¹⁷⁰ This also contributes to the primary care shortage.¹⁷¹ You have discussed plans to remove the AMA from this process in favor of an in-house process conducted by the CMS.¹⁷² I agree that recommended payment rates for Medicare should be accurate to avoid overpaying specialists on the American taxpayer’s dime.¹⁷³

I have the following questions on this subject:

¹⁶⁷ The New York Times, “Supreme Court to Hear New Affordable Care Act Case on Preventative Care,” Adam Liptak, January 10, 2025, <https://www.nytimes.com/2025/01/10/us/politics/supreme-court-affordable-care-act-obamacare.html>.

¹⁶⁸ The Washington Post, “RFK Jr. weighs major changes to how Medicare pays physicians,” Dan Diamond, November 21, 2024, <https://www.washingtonpost.com/health/2024/11/21/rfk-physician-payments/>.

¹⁶⁹ U.S. Centers for Medicare & Medicaid Services, “Code Sets Overview,” <https://www.cms.gov/priorities/key-initiatives/burden-reduction/administrative-simplification/code-sets>; IntelyCare, “Medicare Billing Codes: A Guide for Healthcare Facilities,” Diana Campion and Katherine Zheng, <https://www.intelycare.com/facilities/resources/medicare-billing-codes-a-guide-for-healthcare-facilities/#:~:text=Medicare%20utilizes%20a%20standardized%20coding,Medicare's%20coding%20system%20as%20well>.

¹⁷⁰ Advisory Board, “RFK Jr. wants to change how Medicare pays doctors,” December 2, 2024, <https://www.advisory.com/daily-briefing/2024/12/02/rfkjr-medicare-payments>; The Washington Post, “RFK Jr. weighs major changes to how Medicare pays physicians,” Dan Diamond, November 21, 2024, <https://www.washingtonpost.com/health/2024/11/21/rfk-physician-payments/>.

¹⁷¹ *Id.*

¹⁷² Financial Times, “Robert Kennedy considers upheaval to US Medicare doctors’ billing system,” Oliver Barnes, November 20, 2024, <https://www.ft.com/content/21fd21cc-29a5-4ada-9fa5-fa45ab43cfac>.

¹⁷³ The Washington Post, “RFK Jr. weighs major changes to how Medicare pays physicians,” Dan Diamond, November 21, 2024, <https://www.washingtonpost.com/health/2024/11/21/rfk-physician-payments/>; STAT, “RFK Jr. is exploring a plan to upend Medicare’s physician payments system,” Rachel Cohrs Zhang, November 20, 2024, <https://www.statnews.com/2024/11/20/rfk-jr-ama-medicare-doctor-pay-ruc/>.

1. Given you are looking to overhaul Medicare payments, how do you plan to improve the process of recommending Medicare billing codes?
2. What plans do you have to address the chronic underpayment of primary care physicians in comparison to specialist physicians?
3. In 2015, the Government Accountability Office, called for more transparency around how physician payment rates are set and wanted information of potential conflicts of interest among the AMA physicians who make recommendations.¹⁷⁴ Will you commit to making billing code rates and physician payment rates more transparent to the public?

Nursing Home Quality of Care and Staffing Standards

HHS has a number of authorities to oversee and promote safety and quality of care standards in nursing homes, primarily through CMS, which provides Medicaid and Medicare payments to more than 15,000 nursing homes, serving approximately 1.3 million people.¹⁷⁵ For example, on April 22, 2024, the CMS finalized a new rule to set, for the first time, a floor for minimum staffing requirements in nursing homes.¹⁷⁶ The proposed rule would require that Medicare and Medicaid-certified nursing home facilities meet a minimum staffing ratio of 0.55 hours of registered nurse (RN) care per patient per day and 2.45 hours of nurse aide (NA) care per patient per day.¹⁷⁷ In addition, the new standards would require that all nursing homes have at least one registered nurse on site 24 hours per day, 7 days a week.¹⁷⁸

This rule would have an extraordinary impact on nursing homes residents, saving 13,000 lives per year.¹⁷⁹ But the for-profit nursing home industry is staunchly opposed, and the largest industry organizations are trying to overturn the rule.¹⁸⁰ I remain concerned that this opposition—and other attempts by the for-profit industry, including private equity firms, to prioritize profits over

¹⁷⁴ The Washington Post, “RFK Jr. weighs major changes to how Medicare pays physicians,” Dan Diamond, November 21, 2024, <https://www.washingtonpost.com/health/2024/11/21/rfk-physician-payments/>; U.S. Government Accountability Office, “Medicare Physician Payment Rates: Better Data and Greater Transparency Could Improve Accuracy,” May 21, 2015, <https://www.gao.gov/products/gao-15-434>.

¹⁷⁵ CMS, “CMS Acts to Improve the Safety and Quality of Care of the Nation’s Nursing Homes,” press release, July 29, 2022, <https://www.cms.gov/newsroom/press-releases/cms-acts-improve-safety-and-quality-care-nations-nursing-homes>.

¹⁷⁶ CMS, “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting Final Rule (CMS 3442-F),” April 22, 2024, <https://www.cms.gov/newsroom/fact-sheets/medicare-and-medicare-programs-minimum-staffing-standards-long-term-care-facilities-and-medicare-0>.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ USA Today, “Nursing home staffing mandate would save thousands of lives, researchers say,” Ken Alltucker, July 20, 2024, <https://www.usatoday.com/story/news/health/2024/07/20/nursing-home-staff-mandate/74416581007/>.

¹⁸⁰ Office of Senator Elizabeth Warren, “Warren, Schakowsky Slam Largest Nursing Home Lobbying Groups for ‘Sabotaging’ Biden Administration’s Minimum Nurse Staffing Rules that Improve Quality of Care for Seniors,” press release, July 1, 2024, <https://www.warren.senate.gov/newsroom/press-releases/warren-schakowsky-slam-largest-nursing-home-lobbying-groups-for-sabotaging-biden-administrations-minimum-nurse-staffing-rules-that-improve-quality-of-care-for-seniors>.

patients¹⁸¹—will have irreversible and tragic impacts on nursing home residents and staff in the U.S.

Your views on senior care remain largely unknown.¹⁸² Thus, I have the following questions on this subject:

1. If confirmed as HHS Secretary, would you commit to implementing and enforcing the CMS staffing rule on its current timeline?
2. Nursing home staffing is directly linked to the quality of care residents receive. A report prepared by my staff in November 2023 revealed that nursing homes with higher staffing levels have higher overall quality ratings, lower levels of patient abuse, and higher quality care.¹⁸³ In addition, an analysis by researchers at the University of Pennsylvania finds that CMS' final rule would save approximately 13,000 lives per year.¹⁸⁴
 - a. Do you agree with the broad consensus from experts that there are benefits to increasing staff levels and reducing workforce turnover in nursing homes?
3. The for-profit nursing home industry is fighting tooth and nail to sabotage CMS' final rule on nursing home staffing,¹⁸⁵ and the industry is hopeful that President-Elect Trump will rescind the rule or that the Republican Congress will overturn it legislatively.¹⁸⁶
 - a. If confirmed as HHS Secretary, would you commit to oppose any and all efforts to repeal the rule?
 - b. If the rule is repealed, what would you do to mitigate the catastrophic health impacts caused by low staffing levels and high staff turnover in nursing homes?
4. If confirmed as HHS Secretary, would improving quality of care in nursing homes be a priority for HHS? How would you go about tackling this issue? Would improving conditions for nursing home staff and reducing staff turnover be part of your strategy?

¹⁸¹ Office of Senator Elizabeth Warren, "ICYMI: At Hearing, Warren Calls for Greater Ownership Transparency of Nursing Homes and Accountability for Corporate Owners' Patient Safety Failures," press release, May 19, 2023, <https://www.warren.senate.gov/newsroom/press-releases/icymi-at-hearing-warren-calls-for-greater-ownership-transparency-of-nursing-homes-and-accountability-for-corporate-owners-patient-safety-failures>.

¹⁸² McKnights, "Trump wants to put HHS in hands of RFK Jr., whose views on senior care remain out of view," Kimberly Marselas, November 15, 2024, <https://www.mcknights.com/news/trump-wants-to-put-hhs-in-hands-of-rfk-jr-whose-views-on-senior-care-remain-out-of-view/>.

¹⁸³ Office of Senator Elizabeth Warren, "Residents at Risk: Quality of Care Problems in Understaffed Nursing Homes and the Need for a New Federal Nursing Home Staffing Standard," November 2023, <https://www.warren.senate.gov/imo/media/doc/Nursing%20Home%20Report%20110823.pdf>.

¹⁸⁴ USA Today, "Nursing home staffing mandate would save thousands of lives, researchers say," Ken Alltucker, July 20, 2024, <https://www.usatoday.com/story/news/health/2024/07/20/nursing-home-staff-mandate/74416581007/>.

¹⁸⁵ Office of Senator Elizabeth Warren, "Warren, Schakowsky Slam Largest Nursing Home Lobbying Groups for 'Sabotaging' Biden Administration's Minimum Nurse Staffing Rules that Improve Quality of Care for Seniors," press release, July 1, 2024, <https://www.warren.senate.gov/newsroom/press-releases/warren-schakowsky-slam-largest-nursing-home-lobbying-groups-for-sabotaging-biden-administrations-minimum-nurse-staffing-rules-that-improve-quality-of-care-for-seniors>.

¹⁸⁶ Politico Pro, "Nursing homes optimistic Trump will rescind staffing mandate," Daniel Payne and Robert King, November 6, 2024, <https://subscriber.politicopro.com/article/2024/11/nursing-homes-optimistic-trump-will-rescind-staffing-mandate-00187966?site=pro&prod=alert&prodname=alertmail&linktype=headline&source=email>.

5. Private equity ownership of health care facilities, including nursing homes, has resulted in problems for taxpayers and patients.¹⁸⁷
 - a. Do you believe that HHS has the tools it needs to address the problems caused by private equity in health care?
 - b. If confirmed as HHS Secretary, would you use all tools HHS has available to it to mitigate the negative impact of private equity in health care, including enforcing quality of care standards at nursing homes, hospitals, and other health care facilities?

Substance Abuse, Opioids, and Marijuana Legalization

Please answer the following questions to best reflect your views:

1. In your documentary about your past struggle with addiction, “Recovering America,” you pitched several methods for recovery such as “tough love” for people battling addiction, providing “prescription heroin to drug users not ready to stop, and ... supervised consumption.¹⁸⁸ Given your openness to different approaches to the opioid epidemic, do you still hold these beliefs?¹⁸⁹ What are your current opinions about the importance of medications, such as buprenorphine and methadone, to facilitate and maintain recovery from opioid addiction?
2. How will you support expansion of medications for opioid use disorder? Will you provide financial support for methadone and buprenorphine in jails and prisons? Would you consider revising methadone regulations to provide further access?
3. The opioid overdose epidemic has plagued the United States since the turn of the century. In 2022, 76 percent of people who died from drug overdoses were attributed to opioids.¹⁹⁰ Naloxone is an FDA approved medication designed to quickly and temporarily reverse an opioid overdose.¹⁹¹
 - a. Do you support expanding over-the-counter naloxone, including other formulations of naloxone (e.g., injectable)? What will you do to ensure naloxone is affordable? Will you continue to provide and expand resources for widespread naloxone distribution?

¹⁸⁷ Office of Senator Elizabeth Warren, “Senators Warren, Markey Introduce the Corporate Crimes Against Health Care Act of 2024,” press release, June 11, 2024, <https://www.warren.senate.gov/newsroom/press-releases/senators-warren-markey-introduce-the-corporate-crimes-against-health-care-act-of-2024>.

¹⁸⁸ STAT, “‘Tough love’: How RFK Jr.’s views on addiction could bring a new era of U.S. drug policy,” Lev Facher, December 11, 2024, <https://www.statnews.com/2024/12/11/rfk-jr-opioid-epidemic-addiction-policy-tough-love/>.

¹⁸⁹ *Id.*

¹⁹⁰ U.S. Centers for Disease Control and Prevention, “Understanding the Opioid Overdose Epidemic,” November 1, 2024, <https://www.cdc.gov/overdose-prevention/about/understanding-the-opioid-overdose-epidemic.html>.

¹⁹¹ Substance Abuse and Mental Health Services Administration, “Opioid Overdose Reversal Medications (OORM),” <https://www.samhsa.gov/medications-substance-use-disorders/medications-counseling-related-conditions/opioid-overdose-reversal-medications#:~:text=Naloxone%20is%20a%20medication%20approved,heroin%2C%20morphine%2C%20and%20oxycodone.>

4. Will you divert funds currently supporting evidence-based substance use disorder services to bolster law enforcement-centric responses to mental health and substance use issues? The evidence does not support involuntary treatment approaches to substance use disorder. Will you shift resources to facilitate states and localities that want to increase involuntary treatment?
5. As a presidential candidate, you said that if elected you would legalize marijuana and use the tax revenue to fund programs for people seeking treatment pertaining to use of controlled substances.¹⁹² Section 6 of the Marijuana Opportunity, Reinvestment and Expungement (MORE) Act has a provision that would require the Secretary of HHS to make grant money available for substance use disorder.¹⁹³ In the Senate, I am a cosponsor of the Cannabis Administration and Opportunity Act (CAOA), which would provide hundreds of millions of dollars for substance use disorder treatment programs. Do you support the MORE Act and the CAO A?
6. Implicit in your position that marijuana should be legalized is that it should be removed from the federal Controlled Substances Act (CSA). There is currently a proposed rule to move marijuana from Schedule I to Schedule III of the CSA. While there are some benefits to moving marijuana away from its current placement in Schedule I to the less restrictive Schedule III, it will still remain federally illegal even if the proposed rule is finalized. In August 2023, HHS Secretary Xavier Becerra announced that the agency found marijuana had accepted medical use and a low potential for abuse, and as such was recommending marijuana be rescheduled to Schedule III.¹⁹⁴ Do you agree with the HHS assessment that marijuana should be moved to Schedule III? If not, what specifically would you do differently? How would your different approach not run afoul the novel approach claims through the more traditional means of establishing accepted medical use?
7. Do you support funding for housing options for people who use drugs, including permanent supportive housing?

Other Questions

1. Do you support contingency management, which is currently the most effective treatment we have for stimulant use disorder? If so, would you increase the allowable incentive limits and/or approve state Medicaid waiver requests for contingency management programs?

¹⁹² Marijuana Moment, “RFK Jr. Reaffirms That Legalizing Marijuana And Using Revenue To Fund Treatment Centers Would Be ‘Part Of My Presidency,’” Kyle Jaeger, September 14, 2023, <https://www.marijuanamoment.net/rfk-jr-reaffirms-that-legalizing-marijuana-and-using-revenue-to-fund-treatment-centers-would-be-part-of-my-presidency/>.

¹⁹³ Marijuana Opportunity Reinvestment and Expungement Act (MORE Act), H.R. 5601, <https://www.congress.gov/bill/118th-congress/house-bill/5601/text>.

¹⁹⁴ CNN, “HHS official calls for reclassifying marijuana as a lower-risk drug in letter sent to DEA,” Jacqueline Howard, Kevin Liptak and Alicia Wallace, August 30, 2023, <https://www.cnn.com/2023/08/30/health/marijuana-schedule-hhs-dea/index.html>.

2. You have rightly acknowledged the importance of affordable child care for working families.¹⁹⁵
 - a. If confirmed as HHS Secretary, will you support and expand affordable child care and early education programs like the Child and Development Block Grant (CCDBG) and Head Start?
 - b. In 2018, President-Elect Trump signed bipartisan legislation that increased funding for CCDBG by a historic \$2.37 billion, helping lower child care costs for American families.¹⁹⁶ Would you support similar increases in the future to help lower the cost of child care for more families?

3. During President-Elect Trump’s first administration, the Office of Refugee Resettlement at HHS separated children from their families and put them in cages.¹⁹⁷ Did you agree with this decision?
 - a. You have previously said that you would “seal” the southern border and endorsed President-Elect Trump’s “Remain in Mexico” policy.¹⁹⁸ If confirmed as HHS Secretary, do you plan to use your position to support the separation of children from their families at the border, or any other deportation process that President-Elect Trump puts in place?

Conclusion

HHS’ programs and services impact the lives of millions of Americans every day. The agency deserves a strong and capable leader who protects the health of all Americans and provides essential human services. The leader of HHS must be a strong believer in the scientific process, and their core mission must be protecting American lives, rather than flouting baseless theories or stripping away rights that put those very lives at risk. I ask that you provide answers to my questions so that the Senate and the American people can better understand how you plan to lead this agency.

Sincerely,



Elizabeth Warren
United States Senator

¹⁹⁵ Make America Healthy Again, “More Choices, More Life,” <https://www.mahanow.org/abortion>.

¹⁹⁶ National Women’s Law Center, “States Use New Child Care and Development Block Grant Funds to Help Children and Families: Update,” September 2019, <https://nwlc.org/wp-content/uploads/2019/01/STATES-USE-NEW-CHILD-CARE-AND-DEVELOPMENT-BLOCK-GRANT-FUNDS-1.pdf>.

¹⁹⁷ The Center for Public Integrity, “Early reports warned migrant kids suffered from separations. Trump ramped up practice anyway,” Susan Ferriss, December 16, 2019, <https://publicintegrity.org/inequality-poverty-opportunity/immigration/migrant-children-family-separations/>; BBC, “Trump migrant separation policy: Children ‘in cages’ in Texas,” June 18, 2018, <https://www.bbc.com/news/world-us-canada-44518942>.

¹⁹⁸ The New York Times, “Where Robert F. Kennedy Jr. Stands on the Issues,” Rebecca Davis O’Brien, Katie Glueck and Chris Cameron, June 14, 2024, <https://www.nytimes.com/article/rfk-jr-issues-abortion-immigration.html>.