

United States Senate

WASHINGTON, DC 20510

August 24, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Kennedy:

We write seeking clarity regarding the divestment of your stake in a vaccine lawsuit and to better understand the representations that you made under oath to Congress and affirmed in legally binding ethics documents during and after your confirmation process.

Prior to your confirmation as Secretary of Health and Human Services (HHS), you helped to spearhead a lawsuit against the vaccine manufacturer Merck & Co. (“Merck”) and the human papillomavirus (HPV) vaccine, Gardasil.¹ Gardasil is a safe, effective vaccine that prevents multiple forms of cancer that can be caused by various strains of HPV.²

On December 21, 2024, you signed an initial nominee public financial disclosure report in which you disclosed that you had received \$856,559 in referral fees on contingency fee cases referred to your former employer, the law firm Wisner Baum.³ You also disclosed that, upon your confirmation, you planned to retain an interest in certain contingency fee cases.⁴ On January 21, 2025, you affirmed this plan and provided further details in an initial ethics agreement.⁵ You disclosed to an HHS ethics official that you intended to retain a 10 percent contingency fee interest in cases that you referred to Wisner Baum that did not involve the United States as a party and in which the United States did not have a direct and substantial interest.⁶ This arrangement would have reportedly allowed you to retain a portion of settlement awards from Gardasil cases you had referred to Wisner Baum.⁷

¹ Reuters, “Kennedy played key role in Gardasil vaccine case against Merck,” Dan Levine and Mike Spector, January 18, 2025, <https://www.reuters.com/business/healthcare-pharmaceuticals/kennedy-played-key-role-vaccine-case-against-merck-2025-01-18/>; Bloomberg, “Merck to Settle Bulk of Gardasil Suits for About \$50 Million,” Jef Feeley, June 4, 2026, <https://www.bloomberg.com/news/articles/2026-06-04/merck-to-settle-bulk-of-gardasil-lawsuits-for-around-50-million>.

² Children’s Hospital of Philadelphia, “Questions and answers about HPV and the vaccine,” December 10, 2025, <https://www.chop.edu/vaccine-education-center/vaccine-details/human-papillomavirus/prevent-hpv>.

³ Robert F. Kennedy, Jr., Public Financial Disclosure Report (OGE Form 278e), December 21, 2024, pg. 5, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/A56222F259495B0D85258C1A00565073/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20final278.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/A56222F259495B0D85258C1A00565073/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20final278.pdf).

⁴ *Id.*, p. 8.

⁵ Robert F. Kennedy, Jr., Ethics Agreement, January 21, 2025, pp. 3-4, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf).

⁶ *Id.*, p. 3.

⁷ The New York Times, “Kennedy Would Keep Stake in HPV Vaccine Suit if Confirmed,” Christina Jewett and Sheryl Gay Stolberg, January 22, 2025, <https://www.nytimes.com/2025/01/22/us/politics/rfk-hpv->

As the Senate Finance Committee considered your nomination, we warned that the arrangement posed a clear conflict of interest, in that it could potentially enable you to use your official position as the nation's top health official to influence cases in which you stood to profit.⁸ Amidst this criticism, you agreed to amend your ethics agreement to “divest [your] interest in any such litigation [related to Gardasil] via an assignment to [your] non-dependent, adult son.”⁹ On February 1, 2025, your amended ethics agreement provided that you would “irrevocably assign [your] right to receive payment in all outstanding contingency fee cases”— which would include transferring your stake in the Gardasil litigation — “to a non-dependent, adult family member.”¹⁰

On May 12, 2025, you signed an ethics agreement compliance certification in which you indicated that you had “completed all of the divestitures indicated in [your] ethics agreement within the time specified.”¹¹ The certification referenced the January 21, 2025, ethics agreement and the February 1, 2025, addendum, and did not otherwise indicate that you had deviated from the terms you had previously specified in those documents.¹²

On June 4, 2026, reports announced that Merck reached a \$50 million settlement agreement in the Gardasil lawsuit.¹³ On July 27, 2026, we sought clarification on HHS's potential involvement in the settlement agreement and if your family had benefited from a share of the multi-million dollar award.¹⁴ In response to our inquiry you stated on X, “[b]efore taking office, I relinquished any interest in potential Gardasil fees back to the Wisner Baum law firm” rather than to your son.¹⁵ You further claimed that Wisner Baum had “publicly confirmed this during [your] confirmation process.”¹⁶

Your response raises questions about the disclosures you made to Congress and in federal ethics documents, and your statements require further clarification. In at least three official documents

[vaccine-merck.html](#).

⁸ Letter from U.S. Senators Elizabeth Warren and Tim Kaine to Robert F. Kennedy, Jr., February 5, 2025, pp. 1-3, https://www.warren.senate.gov/imo/media/doc/warren_kaine_letter_to_rfk_on_ethics.pdf.

⁹ Response from Secretary of Health and Human Services Nominee Robert F. Kennedy, Jr. to Questions for the Record from U.S. Senate Committee on Finance Ranking Member Wyden, pp. 37-38, https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart_2.pdf.

¹⁰ Robert F. Kennedy, Jr., Amended Ethics Agreement, February 1, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf).

¹¹ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2026, p. 1, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/9163736322A3860C85258C8D002C2F2F/\\$FILE/Kennedy%20EA%20Certification%201%20of%201.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/9163736322A3860C85258C8D002C2F2F/$FILE/Kennedy%20EA%20Certification%201%20of%201.pdf).

¹² *Id.*, pp. 1-4.

¹³ Bloomberg, “Merck to Settle Bulk of Gardasil Suits for About \$50 Million,” Jef Feeley, June 4, 2026, <https://www.bloomberg.com/news/articles/2026-06-04/merck-to-settle-bulk-of-gardasil-lawsuits-for-around-50-million>.

¹⁴ Letter from U.S. Senators Elizabeth Warren, Richard Blumenthal, Angela Alsobrooks et. al. to Secretary of Health and Human Services Robert F. Kennedy, Jr., July 28, 2026, <https://www.warren.senate.gov/wp-content/uploads/2026/07/Letter-to-HHS-on-Merck-Settlement.pdf>.

¹⁵ Post on X by Secretary Kennedy, August 1, 2026, <https://x.com/SecKennedy/status/2083658165799756102>.

¹⁶ *Id.*

and disclosure forms, both before and after your confirmation as HHS Secretary on February 13, 2025, you attested that you had agreed to transfer or completed the transfer of the stake in the Gardasil litigation to a member of your family:

- **Ethics Agreement:** On February 1, 2025, you agreed to transfer the Gardasil stake to a “non-dependent, adult family member.”¹⁷
- **Senate Finance Committee - Questions for the Record:** In response to a question for the record from Ranking Member Wyden, you said that, “I will divest my interest in any such litigation via an assignment to my non-dependent, adult son.”¹⁸ In a separate response to Senator Wyden, you confirmed that this son “is licensed to practice law in California.”¹⁹ One of your sons is employed as an attorney at Wisner Baum, a law firm based in California that is involved in the Gardasil litigation and also your former employer.²⁰
- **Certification of Compliance with Ethics Agreement:** On May 12, 2025, you signed an ethics agreement compliance certification in which you indicated that you had “completed all of the divestitures indicated in [your] ethics agreement within the time specified.”²¹ This certification requires appointees to acknowledge that “any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.”²²

Your recent public statement appears to indicate that the information you provided to the Committee and the Office of Government Ethics (OGE) is no longer accurate and suggests that you have either modified your ethics agreement or strayed from it altogether.²³ Yet my staff has conducted a diligent review of all of your public financial disclosures and ethics documents and have identified no amendments or modifications to any of these materials. Nor has the Senate Finance Committee identified any information indicating you have changed the disposition of your Gardasil stake.

This discrepancy raises questions about the status of your ethics agreements and the information you provided to the Senate Finance Committee. In order to resolve these outstanding questions, please provide written answers to the following questions by September 9 2026:

¹⁷ Robert F. Kennedy, Jr., Amended Ethics Agreement, February 1, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf).

¹⁸ Response from Secretary of Health and Human Services Nominee Robert F. Kennedy, Jr. to Questions for the Record from the U.S. Senate Committee on Finance Ranking Member Ron Wyden, pp. 37-38, https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart_2.pdf.

¹⁹ Response from Secretary of Health and Human Services Nominee Robert F. Kennedy, Jr., to Questions for the Record from U.S. Senate Committee on Finance Ranking Member Ron Wyden, January 29, 2025, https://www.finance.senate.gov/imo/media/doc/further_response_to_senator_wyden_question_for_the_record_to_robert_f_kennedyjr.pdf.

²⁰ The New York Times, “Kennedy Says He Will Give HPV Vaccine Lawsuit Proceeds to His Son,” Christina Jewett, Susanne Craig, and Sheryl Gay Stolberg, January 31, 2025, <https://www.nytimes.com/2025/01/31/health/rfk-jr-gardasil-hpv-lawsuits-confirmation.html>.

²¹ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2026, p. 1, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/9163736322A3860C85258C8D002C2F2F/\\$FILE/Kennedy%20EA%20Certification%201%20of%201.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/9163736322A3860C85258C8D002C2F2F/$FILE/Kennedy%20EA%20Certification%201%20of%201.pdf).

²² *Id.*, p. 4.

²³ Post on X by Secretary Kennedy, August 1, 2026, <https://x.com/SecKennedy/status/2083658165799756102>.

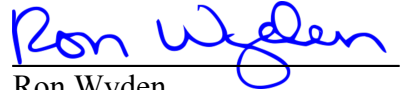
1. Did you transfer the 10 percent stake in the Gardasil litigation to your non-dependent adult child?
 - a. If so, on what date did this transfer occur?
 - b. How did you relinquish your fees?
 - c. If not, why did you certify on May 12, 2025, that you had complied with the terms of your February 1, 2025, ethics agreement, in which you stated you would transfer the stake to a non-dependent adult child?
 - d. Did you at any point reacquire the contingency fees in the Gardasil litigation following an initial divestiture?
 - i. If so, did you receive OGE approval to reacquire these assets? Please provide a copy of such approval from OGE.
2. Did you transfer the 10 percent stake in the Gardasil litigation to Wisner Baum?
 - a. If so, on what date did you transfer the stake to Wisner Baum?
 - b. Did you seek an amendment to your ethics agreement to account for this change?
 - i. If so, please provide a copy of the amended agreement and the date on which you sought the amendment.
 - c. Were ethics officials at HHS and OGE aware of this change to your ethics agreement?
 - d. Did ethics officials verify that your transfer of the stake was complete, irrevocable, not given in exchange for any conflicting interest or payment, and otherwise compliant with government ethics laws and regulations?
 - i. If so, please provide a copy of any documentation verifying this.
 - e. Did you transfer the stake to Wisner Baum after previously transferring the stake to your son?
 - f. If you forfeited the stake to Wisner Baum, what, if any, consideration (financial, or otherwise) was given in exchange for the forfeiture of your contractual right to payment?
 - g. Is the law firm forever relieved of their obligation to pay you the contingency fees?
 - h. Under what circumstances, if any, can you receive the contingency fees in the future?
3. What is the size of the award implicated in your contingency fees that will be assigned to a recipient as a result of Merck's Gardasil settlement?
 - a. Have you received any portion of this fee, or payment in lieu of this fee?
 - i. If so, please disclose the amount received.
 - b. Has your son or any other family member received any portion of this fee, or any payment in lieu of this fee?
 - i. If so, please disclose the amount received.
 - c. Will you at any time in the future expect to receive any portion of this fee, or payment in lieu of this fee?
 - i. If so, please disclose the amount expected.
 - d. Will your son or any other family member at any time in the future expect to receive any portion of this fee, or any payment in lieu of this fee?

- i. If so, please disclose the amount expected.

Sincerely,



Elizabeth Warren
United States Senator



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Richard Blumenthal
United States Senator



Angela D. Alsobrooks
United States Senator