

United States Senate

WASHINGTON, DC 20510

September 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

Secretary Kennedy:

We write regarding your August 25, 2026 response to our inquiry concerning your potential conflicts of interest in a lawsuit against Merck & Co. (“Merck”) and its human papilloma virus (HPV) vaccine, Gardasil. This response revealed a significant and previously undisclosed change in your ethics agreement, which raises fresh questions about your relationship with Wisner Baum, your former law firm, and the credibility of your previous ethics commitments.

Specifically, this response revealed that you did not adhere to your ethics agreement, in that you did not transfer to your adult son your right to receive 10 percent of fees awarded in contingency fee cases you had referred to your former law firm, Wisner Baum. Instead, after your confirmation hearings, but prior to a vote by the full Senate, you elected to transfer this stake to the law firm Wisner Baum.¹ It is possible you made this valuable concession expecting nothing in return. But if the agreement involves any kind of implicit or explicit agreement with Wisner Baum about future payments or other future rewards in exchange for your Gardasil stake, it would prompt concerns about your ongoing conflicts of interest with the firm, and about the integrity of your decisions at the Department of Health and Human Services (HHS).

Your decision to withhold this information from Congress and apparent failure to report this change to agency ethics officials is deeply alarming. The representation in your August 25, 2026 letter was, to our knowledge, the first public disclosure to Congress of the change to your ethics agreement,² and it remains unclear whether you notified the Designated Agency Ethics Official (DAEO) or the Office of Government Ethics (OGE) of this change at any point. These troubling findings call into question the veracity of your public ethics commitments, your transparency with Congress and the public, and potentially, your compliance with federal ethics disclosure laws and regulations.³

¹ Letter from HHS Assistant Secretary Gary Andres to US Senator Elizabeth Warren et. al., August 25, 2026, [on file with the Office of Senator Warren].

² On August 1st, 2026, Secretary Kennedy posted on X that “Before taking office, I relinquished any interest in potential Gardasil fees back to the Wisner Baum law firm...” https://x.com/search?q=from%3ASecKennedy%20Warren&src=typed_query.

³ See 5 U.S.C. § 131 and 5 C.F.R. § 2634.

The Disposition of Your Stake in the Gardasil Settlement

Prior to your nomination as HHS Secretary in 2024, you helped lead a lawsuit against Merck and its HPV vaccine Gardasil.⁴ You had falsely claimed that the vaccine “appears to be increasing the risk for cervical cancer” and promoted the lawsuit on social media.⁵ These claims are categorically false: Gardasil is a safe, effective vaccine that prevents multiple forms of cancer and has saved lives and helped millions of people avoid severe illness.⁶

Following your nomination as HHS Secretary, you signed an ethics agreement on January 21, 2025, in which you indicated that you intended to keep a 10 percent contingency fee interest in these Gardasil cases even after you were confirmed.⁷

On January 29, 2025, during your confirmation hearing before the Senate Finance Committee,⁸ We questioned you about this arrangement, warning that it would have posed serious conflict of interest concerns: as the nation’s top health official, you would have been able to use your position to shape public health policy and guidance that could influence the outcome of a case in which you stood to profit.

On February 1, 2025, you appeared to concede to the concerns about your own conflicts of interest amid this pressure and “irrevocably assign[ed] [your] right to receive payment in all outstanding contingency fee cases”— including your stake in the Gardasil litigation — “to a non-dependent, adult family member.”⁹ This amended ethics agreement was provided to Congress

⁴ 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/>.

⁵ Post on X by Robert F. Kennedy, Jr., January 25, 2023, <https://x.com/RobertKennedyJr/status/1618279143468306435?s=20>; Washington Post, “RFK Jr. disparaged vaccines dozens of times in recent years and made baseless claims on race,” Lauren Weber and Caitlin Gilbert, January 28, 2025, <https://www.washingtonpost.com/health/2025/01/28/rfk-jr-disparaged-vaccines-dozens-times-recent-years-misled-race/>.

⁶ 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>; CIDRAP, “People vaccinated against HPV have lower risk of head and neck cancer, study suggests,” August 21, 2026, Liz Szabo, <https://www.cidrap.umn.edu/human-papillomavirus-hpv/people-vaccinated-against-hpv-have-lower-risk-head-and-neck-cancer-study..>

⁷ 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).

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; New York Times, “Kennedy Is Keeping His Stake in Vaccine Litigation,” Christina Jewett, January 29, 2025, <https://www.nytimes.com/2025/01/29/health/rfk-merck-hpv-vaccine-crapo-warren.html>; Office of U.S. Senator Elizabeth Warren, “At Hearing, Warren Slams RFK Jr. for Dangerous Conflicts of Interest, Profiting From Anti-Vaccine Conspiracies,” press release, January 29, 2025, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-warren-slams-rfk-jr-for-dangerous-conflicts-of-interest-profiting-from-anti-vaccine-conspiracies/>.

⁹ Robert F. Kennedy, Jr., Amended Ethics Agreement, February 1, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/)

and publicly disclosed on the OGE website.¹⁰ You further clarified in response to Congressional inquiries that the divestment would go to your “non-dependent, adult son,” who is “licensed to practice law in California.”¹¹ One of your sons is an employed attorney at your former employer, the law firm Wisner Baum, which is based in California and has been involved in the litigation against Gardasil.¹² You confirmed this arrangement in your February 1, 2025, amended ethics agreement, and responses to questions for the record from Congress.¹³ In your certification of compliance with your ethics agreement, you did not clarify that any alternative arrangements were made.¹⁴

On February 13, 2025, Congress voted on your confirmation as Secretary of HHS. Yet, it appears that Congress voted on your confirmation without having any knowledge of an important change to your February 1, 2025, ethics agreement.

You Appear to Have Secretly Revoked Your Commitment to “Irrevocably” Assign Your Gardasil Stake to Your Adult Son

On June 4, 2026, Merck settled the Gardasil lawsuit in which you previously had a stake for \$50 million.¹⁵ In a response to an inquiry from our offices to clarify whether you or your adult son had received a portion of this potential multi-million dollar settlement award, HHS disclosed that “[o]n February 11, 2025... Secretary Kennedy irrevocably assigned his outstanding contingency-

Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20AMENDED%20finalEA.pdf.

¹⁰ *Id.*

¹¹ 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 from 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; 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.

¹² 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>.

¹³ Robert F. Kennedy, Jr., Amended Ethics Agreement, February 1, 2025, p. 2, 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 from 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; 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.

¹⁴ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2025, 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).

¹⁵ 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>.

fee interests in the Gardasil cases directly to Wisner Baum.”¹⁶ It appears this was the first time this information was officially disclosed to Congress.¹⁷

This admission reveals a significant discrepancy from your February 1, 2025, ethics agreement and leaves multiple questions unanswered about the disposition of your share of any Gardasil funds.

Congress was not notified of this change in your divestiture process at the time, even though your nomination was under consideration by the Senate: you were confirmed on February 13, 2025, two days after you apparently made the change. As OGE notes, “the United States Senate relies on the commitments reflected in the ethics agreement when making a decision to confirm [a] nominee. **For this reason, the agency and the... nominee may not rescind a commitment in an ethics agreement**, such as an agreement to divest an asset, without first obtaining OGE’s approval.”¹⁸ However, the Department’s August 25, 2026, letter is silent on OGE’s involvement, including whether you received OGE approval for the change in question. To this date, there is no indication that OGE has been made aware of the terms of any arrangement concerning the assignment of your interest in the fees to Wisner Baum.

On May 14, 2025, additional ethics documentation provided by the HHS DAEO to Congress indicated that the February 1, 2025, agreement was still in place. The HHS DAEO reported to Senate Finance Committee and Health, Education, Labor & Pensions Committee leaders that you were in compliance with your February 1, 2025, agreement.¹⁹ And as part of this submission, you signed and affirmed your compliance with the terms of the February 1, 2025, agreement.²⁰

However, you have now indicated that the information in the February 1, 2025, ethics agreement for which you were certifying compliance was inaccurate, because instead of transferring the Gardasil stake to your son, you reportedly assigned it to Wisner Baum ten days later, and months before you certified your compliance with the February 1, 2025, agreement.²¹

¹⁶ Letter from HHS Assistant Secretary Gary Andres to US Senator Elizabeth Warren et. al., August 25, 2026, [on file with the Office of Senator Warren]; Letter from U.S. Senators Elizabeth Warren, Ron Wyden, Richard Blumenthal et. al., August 24, 2026, <https://www.warren.senate.gov/wp-content/uploads/2026/08/2026.08.24-Follow-Up-Letter-to-RFK-on-Gardasil-Ethics-Commitments.pdf>.

¹⁷ On August 1st, 2026, Secretary Kennedy posted on X that “Before taking office, I relinquished any interest in potential Gardasil fees back to the Wisner Baum law firm...”
<https://x.com/SecKennedy/status/2083658165799756102>.

¹⁸ U.S. Office of Government Ethics, “Guide to Drafting Nominee Ethics Agreement,” October 2024, p. 103, [https://www.oge.gov/Web/OGE.nsf/Resources/Guide+to+Drafting+Nominee+Ethics+Agreements+\(2024\)](https://www.oge.gov/Web/OGE.nsf/Resources/Guide+to+Drafting+Nominee+Ethics+Agreements+(2024)).

¹⁹ Letter from HHS Designated Agency Ethics Official Randall J. Hall to Acting Director of the U.S. Office of Government Ethics, May 14, 2025, [on file with the Office of Senator Warren].

²⁰ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2025, 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).

²¹ Letter from HHS Assistant Secretary Gary Andres to US Senator Elizabeth Warren et. al., August 25, 2026, [on file with the Office of Senator Warren]; Letter from U.S. Senators Elizabeth Warren, Ron Wyden, Richard Blumenthal et. al., August 24, 2026, <https://www.warren.senate.gov/wp-content/uploads/2026/08/2026.08.24-Follow-Up-Letter-to-RFK-on-Gardasil-Ethics-Commitments.pdf>.

There is no indication that your ethics agreement was updated to reflect this change, and you have provided no explanation for why the change was not publicly disclosed. This amounts to non-disclosure to Congress and an apparent failure to adhere to reporting through required ethics channels. Federal ethics regulations hold that, “[a]ny ethics agreement approved by the Office of Government Ethics during its review of a nominee’s financial disclosure report may not be modified without prior approval from the Office of Government Ethics.”²² In fact you explicitly signed and agreed in the February 1, 2025, document that, “I will not modify this ethics agreement without your [DAEO] approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).”²³

OGE further states that, “officials have a responsibility to comply with the terms of their ethics agreement as provided to the Senate during their confirmation process.”²⁴ And your May 12 certification attesting that you had complied with your January 21 and February 1 ethics agreements required you 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.”²⁵ Nevertheless, you proceeded with an alternative means of divestiture without disclosing that modification in your certification or, to our knowledge, to the Senate.

The modification also raises questions about the conditions and circumstances under which you decided to relinquish the stakes back to Wisner Baum. You have provided no explanation for this change, and you have failed to clarify whether it may entitle you to additional benefits or other considerations from Wisner Baum upon leaving government. If you made any kind of implicit or explicit agreement for future payment or other future rewards with Wisner Baum in exchange for assigning them this stake, it would mean that you have an ongoing conflict of interest that calls into question your integrity and the motivations for your decisions as HHS Secretary.

In the intervening year and a half since you failed to notify Congress of this change, HHS has made significant changes to HPV vaccine policy and public health guidance, while sidelining experts on the issue.²⁶ These major changes to HPV vaccine policy and public health guidance,

²² 5 CFR 2634.803.

²³ Robert F. Kennedy, Jr., Amended Ethics Agreement, February 1, 2025, p. 5, [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).

²⁴ U.S. Office of Government Ethics, “Reminder: Modifications to Presidentially appointed, Senate-confirmed Officials’ Ethics Agreements Require Prior Approval from the U.S. Office of Government Ethics”, July 19, 2019, [https://www.oge.gov/Web/oge.nsf/Legal%20Docs/722D570B813BCF65852585BA005BEC1A/\\$FILE/PA%20on%20EA%20revisions%20\(FINAL\).pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/722D570B813BCF65852585BA005BEC1A/$FILE/PA%20on%20EA%20revisions%20(FINAL).pdf?open).

²⁵ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2025, 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).

²⁶ A scheduled vote to improve HPV vaccine recommendations was dropped from the Advisory Committee on Immunization Practices June 2025. In January 2026, the CDC issued new HPV vaccine guidance, reducing the recommended dosage for HPV to only one dose. After disbanding a panel of medical experts examining changes to HPV dosages, a new HPV working group was constituted – its membership has reportedly yet to be disclosed and its charter seeks to examine the vaccine’s efficacy writ large, furthering vaccine skepticism over issues that have previously been examined and resolved.

many of which were made in the first year of your tenure, raise additional concerns about the lack of disclosure to Congress, and seemingly to ethics officials, about the disposition of your interest in the HPV litigation.

Conclusion and Questions

In sum: You appear to have not disclosed changes to your ethics agreement to Congress and the public for eighteen months. You allowed the Senate to vote on your confirmation, without any knowledge of this change. You have not provided the Senate with an explanation of the means of your divestiture, nor have you provided any documentation showing the assignment and any attendant agreement. And all the while, you signed a document indicating you were in compliance with your earlier ethics agreement when that does not appear to be the case.²⁷

This is a troubling fact pattern that creates considerable concern about your compliance with your ethics agreement, your commitment to transparency and disclosure requirements, and whether any other portions of your ethics agreement have been modified without disclosure to Congress, and if so, whether ethics officials were aware of these changes.

As OGE notes, “[t]he ethics agreement communicates a[n] official’s specific commitments to resolve potential conflicts of interest and a timeframe for executing those commitments, not mere aspirations.”²⁸

In order to fulfill our responsibility with regards to public health policy and government ethics, we request written answers to the following questions by October 8, 2026:

1. Describe in detail the legal process by which you assigned your interest in the contingency fees to Wisner Baum and every term or arrangement related to that assignment and anything of potential value received from or promised by Wisner Baum or any other person.
2. What were the terms of the divestment of your 10 percent stake in the Gardasil cases to Wisner Baum?
 - a. On what date was the stake divested to Wisner Baum? Please provide the contractual agreement formalizing this divestment.
 - b. Why did you certify on May 12, 2025, that you had complied with the terms of your February 1, 2025, ethics agreement, which stated you would transfer the stake to a non-dependent adult child, when in fact you had divested to Wisner Baum?

²⁷ Robert F. Kennedy, Jr., Ethics Agreement Compliance Certification, May 12, 2025, 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)

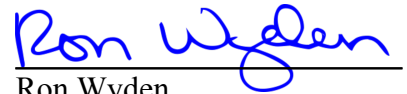
²⁸ U.S. Office of Government Ethics, “Reminder: Modifications to Presidentially appointed, Senate-confirmed Officials’ Ethics Agreements Require Prior Approval from the U.S. Office of Government Ethics”, July 19, 2019, [https://www.oge.gov/Web/oge.nsf/Legal%20Docs/722D570B813BCF65852585BA005BEC1A/\\$FILE/PA%20on%20EA%20revisions%20\(FINAL\).pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/722D570B813BCF65852585BA005BEC1A/$FILE/PA%20on%20EA%20revisions%20(FINAL).pdf?open).

- c. You have yet to file your 2025 financial disclosures. Did you at any point reacquire the contingency fees in the Gardasil litigation following an initial divestiture or otherwise make alternative arrangements regarding the contingency fees? If so, did you receive OGE's approval to reacquire these assets?
 - d. Do you plan to return to Wisner Baum after concluding your government service?
- 3. Did you seek an amendment to your ethics agreement to account for this change in the disposition of your Gardasil divestment?
 - a. If so, please provide a copy of the amended agreement and the date on which you sought the amendment.
 - b. Were ethics officials at HHS and OGE aware of this change to your ethics agreement?
 - c. 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.
- 4. Did you transfer the stake to Wisner Baum after previously transferring the stake to your son?
 - a. 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?
 - b. Is the law firm forever relieved of their obligation to pay you the contingency fees?
 - c. Under what circumstances, if any, can you receive the contingency fees in the future?
 - d. Is there any agreement – explicit or implied – under which you, an organization related to you, or a family member would receive any reward or remuneration from Wisner Baum or any entity connected to Wisner Baum after you leave government service?
- 5. What is the size of the award implicated in your contingency fees that will be assigned to Wisner Baum as a result of Merck's Gardasil settlement?
 - a. 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.
 - b. 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.
 - c. Have you referred any vaccine-related cases, other than the Gardasil cases, to Wisner Baum or any other law firm? Do you currently have a contingency fee interest in any such cases?
 - d. For how many of the Gardasil cases covered by Merck's June 2026 settlement agreement were you the lead counsel of record? Please provide a list of all cases and their docket numbers.

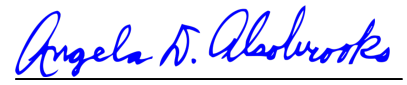
- e. How many of the Gardasil cases covered by Merck's June 2026 settlement agreement did you refer to Wisner Baum? Please provide a list of all cases and their respective docket numbers.
6. Have you received any compensation from a vaccine injury lawsuit during your tenure as Secretary?
7. Do you commit to not accepting any compensation from any lawsuit against drug companies during your time as Secretary and for four years following the end of your tenure?
8. Do you commit to not accept any compensation from vaccine injury lawsuits in your time as Secretary and for four years following the end of your tenure?
9. Will you make public any and all recusals from agency decision-making involving Gardasil?

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