1 OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING 2 THE NOMINATION OF ROBERT F. KENNEDY, JR., TO BE 3 SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES 4 5 TUESDAY, FEBRUARY 4, 2025 6 U.S. Senate, 7 Committee on Finance, 8 Washington, DC. 9 10 The meeting was convened, pursuant to notice, at 11 10:11 a.m., in Room SD-215, Dirksen Senate Office 12 Building, Hon. Mike Crapo (chairman of the committee) 13 presiding. 14 Senators Grassley, Cornyn, Thune, Scott, Present: 15 Cassidy, Lankford, Daines, Young, Barrasso, Johnson, Tillis, Blackburn, Marshall, Wyden, Cantwell, Bennet, 16 17 Warner, Whitehouse, Hassan, Cortez Masto, Warren, 18 Sanders, Smith, Luján, Warnock, and Welch. 19 Also present: Republican staff: Gable Brady, 20 Senior Health Policy Advisor; Andrew Dell'Orto, Policy 21 Advisor; Kellie McConnell, Health Policy Director; and 22 Gregg Richard, Staff Director. Democratic staff: Daniel 23 Goshorn, Chief Investigative Counsel; Stacy Sanders, 24 Chief Health Policy Advisor; Joshua Sheinkman, Staff 25 Director; Tiffany Smith, Deputy Staff Director and Chief

Counsel; Shade Streeter, Investigative Counsel; and
 Ryder Tobin, Senior Investigative Counsel and
 Nominations Advisor.
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OPENING STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR
 FROM IDAHO, CHAIRMAN, COMMITTEE ON FINANCE

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4 The Chairman. The committee will come to order. 5 We are meeting today to consider the nomination of 6 Robert F. Kennedy, Jr., to be Secretary of the U.S. 7 Department of Health and Human Services. We are still 8 waiting to get all of our members here. And while we 9 wait for that to occur, we will proceed with statements. 10 And I will proceed first, then Senator Wyden, and then we will rotate from one side to the other until we are 11 12 at a point where we're prepared for the vote. Does that 13 fit with you, Senator Wyden?

14 Senator Wyden. Yes, sir.

15 The Chairman. Mr. Kennedy has also clearly 16 responded to our questions during the rigorous due 17 diligence process in his hearing also and in the course 18 of answering over 900 questions, for the record, that 19 were asked by members of this committee.

In response to members of the committee, Mr. Kennedy has even amended his Ethics Agreement, going beyond what is required by the government Office of Ethics.

24 Mr. Kennedy has proven his commitment to the role 25 of Secretary of the HHS, and I will vote in favor of his

nomination. I strongly encourage my colleagues on both sides of the aisle to do the same. And with that, I recognize our ranking member, Senator Wyden, for his remarks. OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM
 OREGON

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Senator Wyden. Thank you very much, Mr. Chairman.
I'll have a brief statement, and then several of my
colleagues on our side are also going to make brief
statements.

8 This morning we're going to vote on Robert 9 Kennedy's nomination to serve as our Nations' chief 10 healthcare officer. Before we get to Mr. Kennedy and 11 why I believe he is singularly unfit to serve as HHS 12 Secretary, I'd like to say this. The last several days 13 we've witnessed an authoritarian takeover of our Federal 14 Government by Elon Musk and Donald Trump. They have set 15 their sights on a full purge of anyone in government 16 that doesn't bend the knee and follow their orders.

17 They've taken over the Treasury Department's 18 payment systems, and, colleagues, that has a direct 19 effect on major programs within our committee's 20 jurisdiction that include Social Security, Medicare, and 21 Mediaid.

For example, this committee voted for a major reform of pharmacy benefit manager legislation. We passed it 26 to nothing, but Trump and Musk killed it. Think what they could do with abuse of the payment

system. Now in my view, much of this is of dubious
 legality and constitutional authority, and certainly
 flies in the face of congressional responsibility.

I'll wrap up on this point by saying I hope our colleagues on the other side of the aisle will not sit by while Musk and Trump make a mockery of the power Republicans hold in their congressional majority. Now more than ever, the American people need leaders that will stand up to these abuses.

10 That brings me to Mr. Kennedy. A recent analysis 11 showed that Mr. Kennedy has made 114 separate 12 appearances in just the last 4 years where he has 13 espoused anti-vaccine views or spread information about 14 the efficacy of vaccines -- misinformation specifically. 15 In 36 of those instances, Mr. Kennedy directly linked 16 vaccines to autism.

Last week, Mr. Kennedy was given ample authority on a bipartisan basis to recant his decades-long career peddling anti-vaccine conspiracies. Instead, he spent his time with us dodging and weaving and gave no indication that, if confirmed as HHS Secretary, he would stand by the long-settled science surrounding routine vaccinations.

Just take the Samoa measles outbreak as an example. Mr. Kennedy told me, and I quote, "We don't

1 know what was killing them," speaking about the 83
2 measles deaths during an outbreak of the disease in
3 2019. Just yesterday, colleagues, the Director General
4 of Health from Samoa called this claim a total
5 fabrication. Peddling these conspiracy theories as the
6 Nation's chief health officer is going to be deadly for
7 kids across the country.

8 On abortion, Mr. Kennedy's answers, once again, 9 raised still more questions. He refused to tell us 10 whether he would blindly follow a directive from Donald 11 Trump to break the law and end access to Mifepristone, 12 and he seemed to have no understanding of his role in 13 enforcing existing Federal laws that guarantee women the 14 right to lifesaving abortion care.

15 Mr. Kennedy also failed on several occasions to show a basic understanding of the Medicare and Medicaid 16 17 programs he would be tasked with overseeing. 18 Colleagues, that alone should be disqualifying. Mr. 19 Kennedy has given us no reason to believe he'll be 20 anything other than a rubber stamp for plans to gut 21 Medicaid and rip health care away from the American 22 people and be a "yes" man if ordered by Musk or Trump to 23 take an illegal action.

I close with this, colleagues: today we're going to make a judgment about the future of science in this

1 country. We're going to make decisions that are going 2 to impact the health and well-being of Americans for 3 years to come. I agree, and I say this to my colleagues 4 on both sides of the aisle, that the health-care status 5 quo needs substantial changes so we get better, more 6 affordable care to patients.

And that leaves, given my statement, the question
in front of us now that's pretty simple. Do Senators
want their legacy to include disregarding basic health
science and instead elevating conspiracy theorists?

Making Robert Kennedy Secretary of Health and Human Services, in my view, colleagues, would be a grave threat to the health of the American people, and I urge my colleagues this morning to vote "no."

15 The Chairman. So, Senator Wyden, we have all of 16 our members here. Senator Wyden and I have agreed that 17 we will have two or three on each side who wanted to 18 make statements do so before the vote. So please, 19 everyone hold with us while we have those statements 20 made and then we will proceed to the vote.

21 I know we've got a lot of folks here pushing on22 some -- do you want to vote now?

23 Senator Wyden. Mr. Chairman, I've got several 24 colleagues who were under the impression after we talked 25 that we would have two or three -- and I'm happy for

both sides to make brief remarks, and I'd still like to stay with that.

The Chairman. I did make that commitment, and so I would say to my colleagues on my side I would appreciate it if you would hold your remarks until after the vote. We will let a couple on your side have their remarks, and then we will proceed to the vote.

8 Senator Wyden. Great. Thank you.

9 The Chairman. And who would be next?

10 Senator Wyden. Senator Cantwell.

11 The Chairman. Senator Cantwell?

Senator Cantwell. Mr. Chairman, thank you. When you said two or three people, I didn't know who you had in mind, but being next in seniority, I appreciate the opportunity.

Today is very concerning to me because of the 16 17 future of what I think our Nation faces. When I think of this issue, I think of my specific Northwest 18 19 leadership: how Paul Allen, on his own, invested \$100 20 million to fight Ebola. I think of Bill Gates and the 21 Gates Foundation not just trying to eradicate polio and 22 work on these issues, but to think of a regime that 23 helps not just our Nation's health, but global health.

24 So with the UOW, the University of Washington, the 25 Cancer Research Center, all of these entities are a

1 collaboration of saying we have to go faster in solving 2 these threats to our Nation as it relates to health. 3 Now, we can have a big discussion -- and I think you 4 guys all want to have a big discussion -- about whether 5 and when what happened in the Wuhan Province, but I can 6 tell you we were the first city, we had the first 7 patient, we had the first people who died in nursing 8 homes, we had an emergency room at a hospital that 9 basically was just begging for any equipment we could 10 get them.

11 The whole community stood up and moved as fast as 12 we possibly could and broke down barriers to save lives, 13 and that is what we have to continue to do on 14 innovation. We cannot let another country get ahead of 15 us on some sort of warfare issue and not have a response 16 when it comes to a vaccine.

17 So, the most challenging -- I wanted to vote for 18 Mr. Kennedy in the context of my family's history. My 19 dad stood behind his father the night his father gave 20 the famous speech. I told him in my office, in my 21 family the Kennedys stood up, but when he answered 22 Senator Cassidy's question and he couldn't even give him 23 the answer that, "Yes, the data is there to support 24 vaccines today, I don't need any more data," all of a 25 sudden, I saw this world that we got affected by in

1 Seattle not being stood up for.

2	I need someone at HHS who is going to say we're
3	going to be a leader in medical technology, science,
4	vaccines. We are going to fight foreign powers. We are
5	going to be there to provide global health, and I don't
6	want a recalcitrant. I need a leader, and that is why
7	I'm voting "no."
8	The Chairman. Senator Wyden and I have agreed
9	that Senator Warnock will now speak. Following Senator
10	Warnock, we will proceed to the vote and then anyone
11	else who wants to make remarks will be allowed to make
12	remarks.
13	Senator Warnock?
14	Senator Warnock. Thank you so very much, Mr.
15	Chairman.
16	At a rally a few months ago, Donald Trump said
17	that he was going to allow Mr. Robert Kennedy to "go
18	wild on health." Go wild. Of all the things that I can
19	think of that I'd like to Secretary of Health and Human
20	Services do, go wild is not on the list.
21	Mr. Robert Kennedy is manifestly unqualified for
22	the job he seeks. And in both my live and written
23	questions for the record, he failed to commit to
24	protecting access to affordable health care, failed to
25	commit to protecting the people who are protecting us.

The problem that the CDC has is that every day these noble civil servants and workers protect us from dangers that we don't see, and often you don't get credit for protecting people from things that they don't see.

5 I simply do not trust him to oversee the CDC. 6 He's unqualified, and I dare say everybody here knows 7 it. We need a serious person at the helm of the HHS, an 8 agency responsible for the health of about half of all Americans. Mr. Kennedy appears more obsessed in chasing 9 10 conspiracy theories than chasing solutions to lower 11 health-care costs for working families in Georgia and to 12 make sure that we are protected.

13 The last thing we need is a dilatant dabbling in conspiracy theories at HHS. I cannot vote for a nominee 14 15 who is not going to lower health-care costs for Georgians, who's going to undermine basic science in 16 17 public health, who puts his own interest above the 18 health and the well-being of others, the health and 19 well-being of all families, the people who count on us 20 to think about them in these rooms of power.

I urge all of my colleagues on both sides of the aisle to look past politics and think of the country and to find the moral courage to do what's right: oppose this nomination.

25 The Chairman. Thank you, Senator Warnock.

1 We now have not only a quorum, but all members of 2 the committee are present. I move that the committee 3 favorably report the nomination of the Honorable Robert 4 F. Kennedy, Jr. of California to be Secretary of Health 5 and Human Services. Is there a second? 6 Senator Grassley. Second. 7 The Chairman. There is a second. The Clerk will call the role. 8 9 The Clerk. Mr. Grassley? 10 Senator Grassley. Aye. 11 The Clerk. Mr. Grassley, aye. Mr. Cornyn? 12 Senator Cornyn. Aye. 13 The Clerk. Mr. Cornyn, aye. Mr. Thune? 14 Senator Thune. Aye. 15 The Clerk. Mr. Thune, aye. Mr. Scott? Senator Scott. 16 Aye. 17 The Clerk. Mr. Scott, aye. Mr. Cassidy? 18 Senator Cassidy. Aye. 19 The Clerk. Mr. Cassidy, aye. Mr. Lankford? 20 Senator Lankford. Aye. 21 The Clerk. Mr. Lankford, aye. Mr. Daines? 22 Senator Daines. Aye. 23 The Clerk. Mr. Daines, aye. Mr. Young? 24 Senator Young. Aye. 25 The Clerk. Mr. Young, aye. Mr. Barrasso?

1 Senator Barrasso. Aye. 2 The Clerk. Mr. Barrasso, aye. Mr. Johnson? 3 Senator Johnson. Aye. 4 The Clerk. Mr. Johnson, aye. Mr. Tillis? 5 Senator Tillis. Aye. 6 The Clerk. Mr. Tillis, aye. Mrs. Blackburn? 7 Senator Blackburn. Aye. 8 The Clerk. Mrs. Blackburn, aye. Mr. Marshall? 9 Senator Marshall. Aye. 10 The Clerk. Mr. Marshall, aye. Mr. Wyden? 11 Senator Wyden. No. 12 The Clerk. Mr. Wyden, no. Ms. Cantwell? 13 Senator Cantwell. No. 14 The Clerk. Ms. Cantwell, no. Mr. Bennet? 15 Senator Bennet. No. The Clerk. Mr. Bennet, no. Mr. Warner? 16 17 Senator Warner. No. The Clerk. Mr. Warner, no. Mr. Whitehouse? 18 19 Senator Whitehouse. No. 20 The Clerk. Mr. Whitehouse, no. Ms. Hassan? 21 Senator Hassan. No. 22 The Clerk. Ms. Hassan, no. Ms. Cortez Masto? 23 Senator Cortez Masto. No. 24 The Clerk. Ms. Cortez Masto, no. Ms. Warren? 25 Senator Warren. No.

1 The Clerk. Ms. Warren, no. Mr. Sanders? 2 Senator Sanders. No. 3 The Clerk. Mr. Sanders, no. Ms. Smith? 4 Senator Smith. No. 5 The Clerk. Ms. Smith, no. Mr. Luján? 6 Senator Luján. No. 7 The Clerk. Mr. Luján, no. Mr. Warnock? 8 Senator Warnock. No. 9 The Clerk. Mr. Warnock, no. Mr. Welch? 10 Senator Welch. No. The Clerk. Mr. Welch, no. Mr. Chairman? 11 12 The Chairman. Aye. 13 The Clerk. The chairman votes aye. 14 Mr. Chairman, the final tally is 14 ayes, 13 nays. 15 The Chairman. Would the Clerk please restate the 16 vote? 17 The Clerk. Mr. Chairman, the final tally was 14 18 ayes, 13 nays. 19 The Chairman. The vote was 14, 13. The 20 nomination is reported favorably. 21 We will now turn to other Senators who would like 22 to make a statement. Since I asked my Republican 23 colleagues to hold off at the outset, I'll go to the 24 Republican side next. First, Senator Tillis. Senator Tillis. Thank you, Mr. Chairman. I voted 25

1 "aye" today, and I want to just briefly explain why. I 2 believe in my 65 years -- I'll be 65 in August -- that 3 Mr. Kennedy will be one of the first people coming 4 before us who is, in fact, not a trained health-care 5 expert. He views this through the lens of an attorney. 6 He's brought many lawsuits on food safety, vaccine 7 safety, a number of other things, but Mr. Chair, I think 8 it was Senator Warnock that said that the President said 9 that he was going to go wild in the Department of Health 10 and Human Services. I hope he does. I hope he goes wild 11 and actually finds a way to reduce the cost of health 12 care.

I hope he goes wild, and instead of having the discussions that we have had for the 10 years that I've been in the Senate of making Medicaid work and making people on Medicaid healthier, I hope he goes wild and figures out how to do it, because the status quo has not achieved much in the way of gain.

I hope he goes wild on food safety discussions so that we can actually improve our food safety supply. I hope he goes wild on the health-care supply chains and, in fact, tries to make sure that drug prices go down. Instead of bludgeoning pharmaceutical companies, get everybody in the room and make sure that we do this right, reduce the cost of bringing a vaccine to market,

reduce the cost of bringing drugs and therapeutics to
 market, look at the full supply chain. And somebody
 with a legal mind may do that.

4 He is no health professional. In fact, he's the 5 first, I believe, since I've been alive who's not been a 6 health-care professional in a scientific sense, but he 7 is a professional in terms of carrying this forward and 8 holding people accountable through the courts. And 9 also, Mr. Chair -- I'm not going to go much longer --10 but I had a lot of people call me earlier. I had people 11 from the agriculture industry call me and express 12 concerns, but I'm not aware of any organized, credible 13 group -- the Farm Bureau, the Department of Ag 14 Commissioners or others who have said that we should 15 vote against Mr. Kennedy.

I heard people express their concerns about his 16 17 pro-choice position and yet, I haven't seen any pro-life 18 organizations score this vote or recommend that we 19 should vote against it. I heard him call the NRA a 20 terrorist organization, and yet the NRA is silent on his 21 confirmation. And so, I've heard him say that GMOs are a 22 Hopefully, we can convince him that not all concern. 23 GMOS are. They're feeding the world. Corn, drought 24 resistance strains of healthy vegetables will move on. 25 Protein producers were mad about lawsuits that were

brought against them, but there's been no organized opposition against him, and so maybe it is time to have a different kind of disrupter there.

The only way that Senator Kennedy -- I'm sorry, Senator Kennedy. The only way that Bobby Kennedy and I will get crosswise is if he does actually take a position against the safety of proven vaccines. That would be a problem for me.

9 He answered a very important question to me during 10 the hearing. I asked specifically if it was his intent 11 to let the scientists of the CDC, the NIH, BARDA, and 12 other organizations work independently. He said to me 13 under oath that he would. If he fails to do that, that 14 would be a concern for me and something I'll bring up in 15 a future oversight hearing. But, Mr. Chair, we have not made appreciable progress in Medicaid, in improving the 16 17 health of the population on Medicaid.

18 We have a SNAP program that does have too much 19 sugar and things that are eligible in that program that 20 should be eliminated to make these people who are on 21 free and reduced lunch healthier. We need to stop 22 having full trash cans in public school cafeterias full 23 of stuff that the kids aren't eating and figure out how those kids on free and reduced lunch actually have a 24 25 healthy lifestyle.

1 And so I, for one, think that it is time to put a 2 disrupter in. It is time to put somebody in there who's 3 going to go wild. But there are areas where I think 4 that's exactly what we need and there are areas of 5 Health and Human Services that if you touch the gold 6 standard for the NIH and the CDC, then I'll have a 7 problem with that nominee, and we'll bring that up 8 during oversight. But it was for those reasons, and the 9 fact is that there is not a single organization that I 10 consider to be credible in this space -- in agriculture, 11 in second amendment, or in pro-life -- that has openly 12 objected and scored this vote.

I believe that silence is consent. And the fact that they haven't suggests to me that folks that I'm instructed by are okay with this nomination, and for those reasons I voted for Mr. Kennedy.

The Chairman. Thank you, Senator Tillis.Senator Warren?

19 Senator Warren. Thank you, Mr. Chairman. Since 20 we had our hearing last week, Mr. Kennedy has amended 21 his Ethics Agreement. Recall that his Ethics Agreement 22 said that while he was Secretary of HHS he intended to 23 retain a financial interest in ongoing vaccine 24 litigation that he was already collecting money from and 25 that he wanted to continue to collect that money even

though he could affect the outcome of that litigation.

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Now he has since changed his position on that once this had been exposed and people have talked about it and have some pretty serious reservations about his doing that. He has said that he will, instead, give his financial interest to his son. That's a fig leaf that is so small it would take a magnifying glass to see it.

8 No one is fooled about what's happening here. Mr. 9 Kennedy refuses to say that he will not participate in 10 these lawsuits financially the day after he lives 11 office, and yet Mr. Kennedy has acknowledged, first, 12 that the American people have a right to know that the 13 decisions you're making are decisions that are in their 14 interest, not in your future financial interest.

He has said he thinks that is the right standard, and yet he has figured out how to make money off his anti-vax positions. He's already raked in 2-1/2 million dollars. He is in a position where he can affect the outcomes by things he does as Secretary of HHS, and yet he refuses to say that he will delay by even a day taking on anti-vax lawsuits the minute he leaves.

That is an appalling conflict of interest, and it's one in which the American people can reasonably ask, is Mr. Kennedy's plan to help the American people, or is he planning to use this job to further enrich

1 himself -- and he's pointed out with his son -- and 2 enrich his family?

The importance of this litigation cannot be overstated. This is not only about a private company that gets sued and has to pay out. Vaccine manufacturers often operate on very slim profit margins. If they get sued repeatedly and successfully, they simply move out of the vaccine space. We've already seen this happen with vaccines in the past.

Twenty years ago, we watched vaccines just move away if they did not have protection from these kinds of lawsuits. The consequence of Mr. Kennedy's ability to make those lawsuits easier is also the ability to shut down access and manufacturing for vaccines for every one of us, and I think that's a terrible mistake.

16 The Chairman. Thank you.

Senator Welch, did you wish to speak?
Senator Welch. I did. Yes, thank you. Thank
you, Mr. Chairman, Mr. Ranking Member, and thank you,
Mr. Ranking Member, for your statement.

I want a disrupter in the health care system, in one leading it. I don't want a destroyer. And there are three issues before any nominee that we have to consider. One is character, another is competence, and a third is priorities.

1 We did not have Caroline Kennedy here, but she 2 gave a statement, and she said that Bobby was able to 3 attract people through the strength of his personality, his willingness to take risks and break the rules. 4 And 5 those might be desirable qualities if they were 6 accompanied by sober judgment and behavior, because the 7 person who leads a major organization has to have the 8 confidence of the people that work for him. And 9 frankly, some of the things that he did but never 10 explained -- a chainsaw taking off the head of a whale, 11 dumping a bear in Central Park for his own amusement --12 these are just weird things, and we never really got 13 into the character issue of what is required for a 14 person who runs such a major department.

15 The competence question -- this is all on a wing 16 and a prayer and a hope. There's no record of Mr. 17 Kennedy having experience in managing a large 18 organization in medicine, no experience with science, 19 and none of the prior experiences required, not only to 20 run a major organization, Health and Human Services, but 21 also the CDC, the NIH, and all the other organizations 22 that are under the umbrella of health care.

And by the way, on the competence issue, let's be candid. This was a deal where Mr. Kennedy was running for President as a Democrat. He lost, and he approached

President Trump to make a deal, and for political reasons the deal was made and the appointment was going to be that he's Health and Human Services. The President has the right to make that deal. Mr. Kennedy can seek it, but it doesn't translate into competence.

And the third is priorities. The priority for Mr. 6 7 Kennedy is about the vaccines and his theory of that. 8 And we need reliable vaccines and not a conspiracy 9 theorist on that. But you know, the health-care system 10 is not working for the American people. It is too costly. Our employers who care deeply about providing 11 12 employer-sponsored health care can't afford these 13 premiums. The folks who are getting their insurance on 14 their own can't afford it. Even Obamacare is getting so 15 expensive because the prices are escalating constantly 16 with pharma expenses, with the providers having it, with 17 private equity getting into health care.

18 Mr. Kennedy's priority was about his view of 19 vaccines. It was not about making health care more 20 affordable and accessible. And in response to really a 21 very direct and easy open-ended question from Senator 22 Cassidy, Mr. Kennedy showed a woeful ignorance even 23 between the difference between Medicare and Mediaid. So 24 we have a health-care system that is not serving, as it 25 should, the interest of American citizens, of American

businesses, and American taxpayers. And I, after this 1 2 hearing, did not have confidence that Mr. Kennedy would 3 be the one to lead us to a better future. Thank you. The Chairman. Thank you, Senator Welch. 4 5 That concludes the remarks that Senators have 6 requested to make. And hearing nothing further, I'd 7 like to thank all of our members for attending. This 8 Finance Committee stands adjourned. [Whereupon, at 10:37 a.m., the meeting was 9 10 concluded.]

1	STATEMENT OF:	PAGE
2	Hon. Mike Crapo,	3
3	a U.S. Senator from Idaho,	
4	chairman, Committee on Finance	
5		
6	Hon. Ron Wyden,	5
7	a U.S. Senator from Oregon	