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## The Road to RFK Jr. as HHS Secretary

Making America Healthy Again

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ALL HEALTHCARE

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### »» Our Take & Next Up

**RFK Jr. is unpredictable and inexperienced in healthcare policy, and as a purveyor of medical misinformation, would insert uncertainty into every single sector.** This includes biopharma, certainly vaccines, health plans (Medicaid/ACA), other healthcare services, truly everything. The outlook for confirmation will become clearer in the coming days but confirming Matt Gaetz (Attorney General) and RFK Jr (HHS) will be tough. We can identify a handful of GOP Senators who are likely to say no – Cassidy (LA), Collins (ME), Murkowski (AK) -- and there are likely more.

**Recess appointments have been discussed under a GOP Senate**, and Senate leader John Thune (R-SD) has said that he would allow them to proceed. Recess appointments enable quick Cabinet appointments, but for a finite amount of time (~1-2 years, see below for more). We think that recess appointments are not a good look for a GOP trifecta Washington, but not impossible. Recess appointments have largely not been used since the Obama administration after the Supreme Court [restricted](#) its usage.

### »» Key Points

**RFK Jr needs 51 votes to be confirmed as Health & Human Services Secretary, and confirmation will be bumpy.** Given controversial views on vaccine safety and health policy, RFK Jr's nomination will face significant opposition, particularly from senators who disagree with his stance on public health issues, given he is a purveyor of misinformation. RFK wants to take on the food and pharmaceutical industries. He distrusts FDA, and many medicines, wants to revamp NIH budgets, and eviscerate many federal agencies.

**The Secretary of Health and Human Services (HHS) confirmation process involves the following in the U.S. Senate (there is no role for the House).**

- The process would involve a series of hearings before the Senate Finance Committee (Chair Crapo, R-ID), where he would testify and answer questions about qualifications, policies, and views.
- Senate HELP Committee (Chair Cassidy, R-LA) hearings, discussion and vote are also required.
- If the committees approve his nomination, it will move to a full Senate vote.
- A simple majority vote (51) in the Senate would be required for his confirmation.

**Recess appointments could make this nominee a reality but not a good look.** Circumventing a Republican Congress isn't a good look when the GOP has a majority. John Thune (R-SD), the new Senate majority leader has said that he would allow recess appointments. We note that recess appointments aren't permanent. Intersession appointments can last nearly a year and intrasession appointments can last nearly two years. Previously named health recess appointments include Donald M. Berwick (CMS administrator) in 2010 under Obama, and Daniel Meron (HHS General Counsel) in 2004 under Bush.

## ABOUT RFK JR.

**RFK Jr.'s prominence is a reflection of the continued populism of the Trump campaign.** RFK Jr. is leading the Make America Healthy Again PAC (MAHA) initiative which broadly focuses on improving agriculture practices, environment preservation policies, improving nutrition, and addressing healthcare access. Notably, the campaign has rallied against "corporate takeover of government agencies that are supposed to protect public health and the environment."

**RFK Jr. believes that the FDA is corrupt, as are user fees.** Potential RFK Jr. reforms for the FDA include cutting funding or staffing and pivoting focus to food and wellness. As a reminder, FDA funding is determined by Congress, so downsizing the agency is unlikely, particularly with the increasing number of submissions and approvals.

- RFK has criticized the agency as being corrupt given their supposed alignment with the pharmaceutical industry.
- He has been vocally against FDA regulation and "suppression of psychedelics, peptides, stem cells, raw milk, hyperbaric therapies, chelating compounds, ivermectin, hydroxychloroquine, vitamins, clean foods, sunshine, exercise, nutraceuticals..."

**RFK's anti-vaccine stance is challenging for public health leaders and vaccine manufacturers (NOTE: it also poses a barrier to a Senate nomination).** RFK's anti-vaccine stance is well known, and he founded (and has taken leave from) the nonprofit Children's Health Defense, which promotes anti-vaccine rhetoric and content. Kennedy has also made false claims about the safety and efficacy of vaccines. His stance is unlikely to be popular and will make a Senate confirmation difficult if the Senate makeup remains relatively close between the two parties.

**Other RFK priorities remain more environmental, and agricultural (and anti-industry).** In his WSJ op-ed (here), he noted he would prohibit members of the US Department of Agriculture's Dietary Guidelines Advisory Committee from making money from food or pharmaceutical companies, keep NIH funding from going to researchers with conflicts of interest, and review standards for pesticides and chemicals. His proposed reforms reflect his environmental advocacy and anti-establishment stance.

**He has been critical of both political parties, accusing them of failing to address the climate crisis and corporate influence in politics.** His stance on environmental issues is grounded in his decades of advocacy, and he has consistently called for aggressive action to combat climate change, protect natural resources, and ensure a sustainable future.

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