

United States Senate

WASHINGTON, DC 20510

August 17, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Dear Secretary Mullin,

In violation of a December 2025 federal court injunction, the Department of Health and Human Services (HHS) improperly shared Medicaid enrollee data with the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE). This latest incident marks the third time that the Trump administration has wrongfully disclosed protected Medicaid information to immigration enforcement authorities and acknowledged its violation of the law. The Trump administration's lawlessness and abuse of sensitive health information brazenly infringes on enrollee privacy. We demand that DHS immediately stop furthering President Trump's anti-immigrant agenda by unlawfully receiving Medicaid data transfers from HHS.

In July 2025, the Centers for Medicare & Medicaid Services (CMS) and ICE entered into an agreement to give immigration enforcement officials access to the personal data of millions of Medicaid enrollees, including immigration status, addresses, and other contact information.¹ This arrangement reversed a longstanding policy that the federal government would not share or use health coverage eligibility determination data for immigration enforcement.² California and 21 other states have sued HHS and DHS to stop their unprecedented data-sharing agreement, arguing that they illegally circumvented proper procedure and exceeded statutory authority under the Privacy Act of 1974 and the Social Security Act.³

In December 2025, the federal district court preliminarily enjoined HHS from sharing plaintiff-state Medicaid data with ICE, except where the data pertained to individuals not lawfully present in the country. Even then, HHS could include only the individuals' citizenship

¹ Notice of Medicaid Information Sharing Between the Centers for Medicare & Medicaid Services and the Department of Homeland Security, 90 Fed. Reg. 53,324 (Nov. 25, 2025), <https://www.federalregister.gov/documents/2025/11/25/2025-20911/notice-of-medicaid-information-sharing-between-the-centers-for-medicare-and-medicaid-services-and>; see also Drishti Pillai et al., *Potential Implications of the New Medicaid Data Sharing Agreement Between CMS and ICE*, KFF (Jan. 14, 2026), <https://www.kff.org/immigrant-health/potential-implications-of-the-new-medicaid-data-sharing-agreement-between-cms-and-ice/>.

² See Notice, *supra* note 1.

³ Order, *California v. U.S. Dep't of Health & Human Servs.*, No. 3:25-cv-05536 (N.D. Cal. Dec. 29, 2025), ECF No. 148.

and immigration status, address, phone number, date of birth, and Medicaid identification number.⁴ The court expressly prohibited HHS from sharing with DHS health records or information pertaining to lawfully present individuals or U.S. citizens, as well as health records for any Medicaid enrollee where protected information could not be severed from shareable information.

In the months since, the plaintiff states have repeatedly brought to the court's attention the Trump administration's noncompliance with its order. On January 7, 2026, CMS conceded that it shared with ICE a spreadsheet containing Medicaid data on enrollees in the plaintiff states—including data on individuals lawfully residing in the country—that it “should not have shared” and that was “inconsistent with the injunction.”⁵ Prior to disclosing the injunction violation, ICE had already begun converting the file into a usable format for use in its enforcement systems.⁶

Just two days later, ICE asked CMS for the records of nearly 6,000 refugees residing in Minnesota. On January 19, 2026, CMS sent ICE a spreadsheet with the biographical information for the individuals on ICE's list.⁷ Only months later—after the plaintiff states moved to enforce the court's injunction—did CMS determine that it had improperly transmitted the data of at least 50 U.S. citizens or nationals, as well as the data of several refugees protected by the court's order.⁸ In court filings, the Trump administration conceded that, in both instances, it had shared data “outside the scope of what [the] [c]ourt allowed.”⁹

That HHS disclosed these records is striking in light of both the court's injunction and the Trump administration's own view of the law. In its November 25, 2025, Federal Register notice, HHS asserted that the Privacy Act of 1974 protects U.S. citizens and lawful permanent residents.¹⁰ HHS' improper transfer of records, which it had already identified as belonging to U.S. citizens and nationals, resulted in the disclosure of information about the very individuals HHS conceded the statute protects.

In June, the Trump administration acknowledged yet another instance of improper data sharing. On June 9, 2026, HHS once again transferred to ICE the file of protected data it had

⁴ Defs.' Opp'n/Resp. to Mot., *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Apr. 9, 2026), ECF No. 155; Decl. of Kimberly Brandt, *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Apr. 9, 2026), ECF No. 155-3; Decl. of Alberto V. Briseno, *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Apr. 9, 2026), ECF No. 155-4.

⁵ *Id.* at 5.

⁶ Defs.' Opp'n/Resp. to Mot. at 6-7, *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Apr. 9, 2026), ECF No. 155.

⁷ *Id.* at 8.

⁸ *Id.* at 7.

⁹ 90 Fed. Reg. 53,324, 53,325 n2.

¹⁰ IRS-ICE Memorandum of Understanding, *Centro de Trabajadores Unidos v. Bessent*, No. 1:25-cv-00677 (D.D.C.), ECF No. 31-1; *FAQ: Data Privacy and Federal Taxes for Immigrant Taxpayers*, Nat'l Immigr. Law Ctr. (Feb. 25, 2026), <https://www.nilc.org/resources/data-privacy-and-federal-taxes-for-immigrant-taxpayers/>.

previously sent on January 7.¹¹ The Trump administration characterized the transfer as inadvertent and claimed that ICE deleted the file from DHS systems. But three instances of data sharing in violation of a court order is not an accident; it shows that DHS and HHS have failed to take steps to ensure compliance with the court's order, and may not even have tried to do so.

These data transfers form part of a larger pattern of information sharing by executive agencies to advance the Trump administration's anti-immigrant agenda, at the expense of Americans' privacy and the statutory protections Congress built into these programs. Since January 2025, the Trump administration has expanded data-driven immigration enforcement through a coordinated series of executive directives, interagency agreements, and rescissions of prior confidentiality policies. A March 2025 executive order directed agency heads to ensure that designated federal officials have "full and prompt access to all unclassified agency records, data, software systems, and information technology systems," and to modify or rescind internal regulations impeding interagency data sharing.¹²

For instance, in April 2025, the Internal Revenue Service (IRS) and ICE signed a memorandum of understanding permitting ICE to request taxpayer records, breaking the IRS's decades-long assurance to immigrant taxpayers that their information would not be used for immigration enforcement.¹³ The Department of Housing and Urban Development announced it would help DHS locate immigrants who resided in federally subsidized housing and lacked legal status.¹⁴ ICE has reportedly sought access to the Federal Parent Locator Service, a database containing sensitive details about children.¹⁵ In December 2025, reporting indicated that the Department of Veterans Affairs would share a database of non-citizen workers affiliated with the DHS, and that the Transportation Security Administration had begun sharing traveler information with ICE.¹⁶ Meanwhile, in February 2026, an executive order directed the Department of Justice to give DHS access to criminal history records.¹⁷ Each of these arrangements extends the

¹¹ Jennifer Ludden & Leila Fadel, *HUD will share data with Homeland Security to target immigrants without legal status*, NPR (Mar. 26, 2025), <https://www.npr.org/2025/03/26/nx-s1-5339689/hud-will-share-data-with-homeland-security-to-target-immigrants-without-legal-status>.

¹² Eli Hager, *DHS Seeks Access to Massive Employment, Salary and Family Database Legally Restricted to Use in Child Support Cases*, ProPublica (Mar. 11, 2026), <https://www.propublica.org/article/dhs-trump-child-support-federal-parent-locator-service-immigration>.

¹³ Jose Olivares, *Revealed: US veterans affairs to share immigration data about non-citizen workers with 'appropriate agencies'*, The Guardian (Dec. 3, 2025), <https://www.theguardian.com/us-news/2025/dec/03/us-veterans-affairs-database-immigration>; Hamed Aleaziz, *Immigration Agents Are Using Air Passenger Data for Deportation Effort*, N.Y. Times (Dec. 12, 2025), <https://www.nytimes.com/2025/12/12/us/politics/immigration-tsa-passenger-data.html>.

¹⁴ Exec. Order No. 14,358, *Protecting the National Security and Welfare of the United States and Its Citizens From Criminal Actors and Other Public Safety Threats*, 91 Fed. Reg. 6505 (Feb. 11, 2026).

¹⁵ See Notice, *supra* note 1.

¹⁶ See Compl., *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. July 1, 2025), ECF No. 1.

¹⁷ Drishti Pillai et al., *1.4 Million Lawfully Present Immigrants Are Expected to Lose Health Coverage Due to the 2025 Tax and Budget Law*, KFF (Sept. 25, 2025), <https://www.kff.org/immigrant-health/1-4-million-lawfully-present-immigrants-are-expected-to-lose-health-coverage-due-to-the-2025-tax-and-budget-law/>.

immigration enforcement footprint into programs that the public had long understood—and in many cases had been expressly told—would be walled off from it.

When people enrolled in Medicaid, they did so under assurances that their personal information would be used to administer their health coverage and not to help deport them or their family members. Under prior administrations, HHS and CMS websites expressly stated that the government “won’t use any immigration status you share with us for immigration enforcement purposes.”¹⁸ An interagency agreement reversing this stance—and repeated breaches of a court order protecting some of this information—destroys that trust and prevents families from seeking care when they need it.

In fact, the Trump administration’s recent actions suggest that its very intent is to spread fear and blatantly disregard the consequences of its actions on innocent, vulnerable communities. Millions of Medicaid and Children’s Health Insurance Program (CHIP) enrollees live in mixed-status households, including 5.9 million U.S. citizen children living with at least one noncitizen family member.¹⁹ Roughly half of immigrant adults already report concern that health officials or providers may share their information with immigration authorities, and about one in seven report that they or a family member have avoided seeking medical care because of immigration-related fears.²⁰ These chilling effects will compound the coverage losses enacted last year by congressional Republicans and the Trump administration in the budget reconciliation law, which strips Medicaid eligibility from many lawfully present immigrants (including refugees and asylees) beginning in October 2026.²¹ An agency that cannot demonstrate control over enrollees’ most sensitive data—and that appears unable or unwilling to comply with a federal court order—breaches Congress’s trust and undermines the integrity of the Medicaid program itself.

To help us and the public better understand DHS’s failure to comply with the injunction prohibiting Medicaid-enrollee data sharing, we request written answers to the following questions and accompanying documents, no later than Friday, September 4, 2026:

1. Please provide the complete July 2025 Information Exchange Agreement between ICE and CMS, together with any amendments, modifications, side letters, or supplemental agreements executed since that date. Please also identify all DHS or ICE personnel

¹⁸ Drishti Pillai et al., *KFF/New York Times 2025 Survey of Immigrants: Health and Health Care Experiences During the Second Trump Administration*, KFF (Nov. 18, 2025), <https://www.kff.org/immigrant-health/kff-new-york-times-2025-survey-of-immigrants-health-and-health-care-experiences-during-the-second-trump-administration>.

¹⁹ Defs.’ Notice to the Court, *California v. U.S. Dep’t of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Jul 7, 2026), ECF No. 180.

²⁰ Exec. Order No. 14243, *Stopping Waste, Fraud, and Abuse by Eliminating Information Silos*, 90 Fed. Reg. 13,681 (Mar. 25, 2025).

²¹ *Medicaid Data Sharing with ICE: What We Know and Why We’re Worried*, Ctr. for Health Law & Policy Innovation, Harvard Law Sch. (Apr. 22, 2026), <https://chlp.org/wp-content/uploads/2026/04/Medicaid-ICE-data-sharing-FINAL.pdf>.

who reviewed and approved the Agreement, and any legal opinions DHS or ICE obtained before signing it.

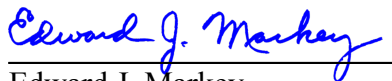
2. Please identify all statutory authorities on which DHS relies to receive Medicaid enrollee data from HHS, including any interpretation of the Social Security Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Privacy Act of 1974, and any other applicable statute. For each statutory authority, please cite the specific provision and explain DHS's interpretation of the law.
3. For each of the three data transfers that DHS and HHS have acknowledged as improper, please describe the ICE request that preceded the transfer, including: (a) the ICE personnel who authored the request; (b) the criteria used to identify individuals for whom data was sought; (c) the operational purpose for which the data was requested; and (d) any internal ICE review of the request before it was transmitted to CMS.
4. Before the January 7, 2026 transfer, CMS reviewed the list of individuals for which ICE had requested information and determined that Medicaid records identified some of the individuals as U.S. citizens. CMS removed these individuals from the list and sent information on the remaining individuals to ICE. Did anyone at HHS or CMS inform ICE that its list included U.S. citizens or ask why ICE's list contained these individuals? Please provide any communication in which HHS or CMS officials raised this issue with DHS or ICE.
5. In January 2026, HHS gave ICE the Medicaid records of 5,948 refugees living in Minnesota. CMS determined afterward that approximately 50 of those individuals were recorded as U.S. citizens or U.S. nationals. How many Medicaid records of U.S. citizens or nationals have ICE or DHS received from HHS or CMS since January 2025?
6. Is it the position of DHS and ICE that a refugee lawfully admitted to the United States is "not lawfully residing" here, and that their Medicaid data may therefore be transferred to ICE? Who at DHS or ICE approved that interpretation, and when did they approve it?
7. Can DHS or ICE identify every transfer of Medicaid data it has received from HHS or CMS since June 2025? If so, please identify those transfers and the data. If DHS or ICE cannot do so, explain how they can assure Congress that they have disclosed every transfer from HHS and CMS.
8. Has any DHS or ICE employee or contractor been disciplined, reassigned, or had their system access revoked as a result of any of the three documented improper

disclosures? If no one has faced any consequence for disclosures that violated a federal court order, explain why not.

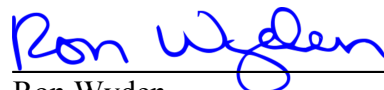
9. When CMS transferred data to ICE on January 7, January 19, and June 9, 2026, was that data further transferred, copied, ingested into DHS databases, or shared with DHS contractors or task force partners before ICE deleted its files? Please provide a yes or no response and describe any downstream propagation of the transferred data and any steps that DHS has taken to confirm deletion across DHS systems. Please also confirm whether ICE has (a) deleted any derivative records, cross-references, watch list entries, or intelligence products generated from the transferred data; (b) ceased any operational leads or investigations that flowed from analysis of the transferred data; and (c) taken any steps to identify and terminate downstream uses of the transferred data across DHS systems.
10. Has ICE or any other DHS components initiated any immigration enforcement action, including but not limited to apprehension, detention, removal proceedings, or investigation, against any individual whose data was included in the January 7, January 19, or June 9, 2026, unauthorized transfers? If so, please identify the number of individuals affected and any actions taken.
11. Does DHS contend it owes no Privacy Act of 1974 obligation to the U.S. citizens and lawful permanent residents whose data have been improperly disclosed? If DHS believes the Act does apply to any of these individuals, what has DHS or ICE done to remedy the violation?
12. Will DHS commit to notifying each individual whose Medicaid data was improperly sent to ICE in the January 7, January 19, or June 9, 2026, transfers? If not, please explain why not.
13. Will DHS commit to requesting that the DHS Inspector General independently review ICE's compliance with the court's injunction, including ICE's receipt, retention, use, and deletion of the improperly transferred data, and to making the findings public?

Congress has a responsibility to ensure that the personal health information of the tens of millions of people who rely on Medicaid is protected and that the Trump administration complies with federal court orders. Medicaid enrollees have a right to expect that their private information will be safeguarded and not employed for mass deportation campaigns. Each person whose information was inappropriately disclosed is entitled to know what happened to it, and Congress is entitled to know how a federal agency came to violate the same court order three times in six months. And DHS must stop receiving all Medicaid data transfers from HHS and CMS pending a comprehensive review of the agencies' data controls and the court's continuing oversight.

Sincerely,



Edward J. Markey
United States Senator



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator



Jeffrey A. Merkley
United States Senator