

United States Senate

WASHINGTON, DC 20510

August 17, 2026

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

The Honorable Mehmet C. Oz, MD
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Kennedy and Administrator Oz,

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 HHS 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 HHS immediately stop furthering President Trump's anti-immigrant agenda by unlawfully transferring Medicaid data to DHS and ICE.

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-medicare-information-sharing-between-the-centers-for-medicare-and-medicare-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-medicare-data-sharing-agreement-between-cms-and-ice/>.

² See Notice, *supra* note 1.

³ 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.

and immigration status, address, phone number, date of birth, and Medicaid identification number.⁴ The court expressly prohibited HHS from sharing 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 Department'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 The Department's 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 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.

⁵ 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.

⁶ *Id.* at 8.

⁷ *Id.* at 7.

⁸ 90 Fed. Reg. 53,324, 53,325 n2.

⁹ 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/>.

¹⁰ 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>.

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 HHS and CMS 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 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

¹¹ 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>.

¹² 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>.

¹³ 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. 6,505 (Feb. 11, 2026).

¹⁴ See Notice, *supra* note 1.

¹⁵ Defs.' Notice to the Court, *California v. U.S. Dep't of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. July 7, 2026), ECF No. 180.

¹⁶ 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>.

¹⁷ *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>.

arrangements extends the 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 efforts to 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 HHS’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 CMS and ICE, together with any amendments, modifications, side letters, or supplemental agreements executed since that date. Please also identify all HHS or

¹⁸ 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/>.

¹⁹ *Id.* at 5.

²⁰ Defendants’ Opposition/Response to Motion, *California v. U.S. Dep’t of Health & Human Servs.*, 3:25-cv-05536 (N.D. Cal. Apr. 9, 2026), ECF No. 155; Declaration 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; Declaration 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.

²¹ Exec. Order No. 14243, *Stopping Waste, Fraud, and Abuse by Eliminating Information Silos*, 90 Fed. Reg. 13,681 (Mar. 25, 2025).

CMS personnel who reviewed and approved the Agreement, and any legal opinions HHS or CMS obtained before signing it.

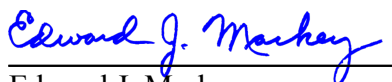
2. Please identify all statutory authorities on which HHS relies to share Medicaid enrollee data with ICE, including any interpretation of the Social Security Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Privacy Act of 1974, and any other applicable statute. For each statutory authority, please cite the specific provision and explain HHS's interpretation of the law.
3. 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. If HHS never raised the concern until plaintiffs filed their March 26, 2026 motion, explain why not.
4. 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 HHS or CMS provided to ICE or DHS since January 2025?
5. Can HHS or CMS identify every transfer of Medicaid data it has made to ICE or DHS since June 2025? If so, please identify those transfers and the data transferred. If HHS or CMS cannot do so, explain how they can assure Congress that they have disclosed every transfer.
6. Which HHS or CMS officials are responsible for overseeing the transfer of Medicaid data to other agencies? Do these officials verify compliance with the court's order prior to a data transfer to ICE? Do these officials have authority to halt a data transfer to ICE, and have they ever exercised that authority?
7. In April 2026, HHS informed the court that ICE deleted the HHS data improperly sent on January 7, 2026. On June 9, 2026, HHS sent ICE the same data it had previously sent on January 7. Does HHS retain its own copy of every dataset it has transferred to ICE? Who has access to these datasets, and how many individuals' records do they contain?
8. Has any HHS or CMS 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.

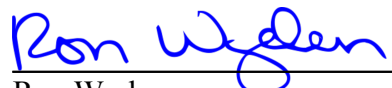
9. Given HHS's position that the Privacy Act of 1974 protects U.S. citizens and lawful permanent residents, and its acknowledgment that it disclosed to ICE the records of U.S. citizens and nationals, does HHS contend it owes no Privacy Act obligation to the people whose data it improperly disclosed? If the Privacy Act does apply to any of these affected individuals, what has HHS done to remedy the violation?
10. It appears that HHS has announced these improper disclosures only through court filings. HHS requires hospitals and health plans to notify patients when their health information is breached and publishes those breaches on a public portal. Will HHS commit to notifying every individual whose Medicaid data it improperly disclosed to ICE about such disclosures?
11. Will you commit to requesting that the HHS Inspector General independently review the agency's compliance with the court's injunction 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 HHS and CMS comply 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 HHS must suspend all Medicaid data transfers to ICE and DHS pending a comprehensive review of HHS's controls and the court's continuing oversight.

Sincerely,



Edward J. Markey
United States Senator



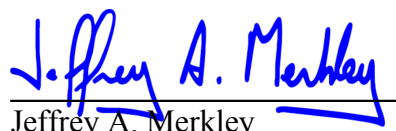
Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Cory A. Booker
United States Senator



Chris Van Hollen
United States Senator


Jeffrey A. Merkley
United States Senator