

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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December 15, 2025

Mr. Mark Bertolini
Chief Executive Officer
Oscar Health, Inc.
75 Varick Street, 5th Floor
New York, New York 10013

Dear Mr. Bertolini:

The Committee on the Judiciary is examining fraud in Obamacare subsidies and the potential for federal regulatory procedure laws to help identify and eliminate fraud. Earlier this year, a federal judge blocked a regulation issued by the Trump Administration to fight Obamacare subsidy fraud, claiming it violated the Administrative Procedure Act (APA).¹ As we continue this oversight, we respectfully write to request documents and information to help the Committee's examination of Obamacare fraud.

Beginning in 2014, Obamacare created government-run marketplaces for individuals to purchase healthcare and created a subsidy system in which the federal government would pay some of the premiums for these individuals.² The subsidies are in the form of advanced premium tax credits (APTCs) paid directly from the federal government to insurance companies.³ The subsidies are designed to cover an enrollee's total premium payment that exceeds a percentage of their income.⁴ As such, when insurers raise the costs of health insurance, consumers do not pay the increased price or directly receive the increased subsidy.⁵ Instead, the government sends additional taxpayer money directly to the health insurance companies.⁶

During the COVID-19 pandemic, the Biden-Harris Administration and the Democrat-led Congress passed a law that temporarily increased the Obamacare subsidies.⁷ These temporary enhancements increased the amount of previously available APTCs and expanded the population of APTCs to include high-income households that did not previously qualify under Obamacare.⁸

¹ *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (D. Md. Aug. 22, 2025).

² COMMITTEE FOR A RESPONSIBLE BUDGET, *Understanding the ACA Subsidy Discussion* (Nov. 5, 2025).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021).

⁸ *Id.*

The Biden-Harris Administration and the Democrat-led Congress subsequently extended the enhanced subsidies in 2022.⁹ These temporary enhancements will now expire at the end of 2025, and the subsidies will return to the original Obamacare levels.¹⁰ Notably, the largest benefits under the enhancements go to households with incomes over 400 percent of the federal poverty level—\$128,600 for a family of four in 2025—who did not qualify for any subsidies under the original Obamacare levels.¹¹

The Obamacare subsidies are notoriously rife with waste, fraud, and abuse.¹² A recent report from the U.S. Government Accountability Office found that fraudsters used tens of thousands of Social Security Numbers to obtain Obamacare subsidies fraudulently.¹³ Some of the fraud comes from brokers, who are paid by insurance companies for each enrollment and are, therefore, incentivized to enroll as many people as possible—whether eligible or not.¹⁴ Brokers have targeted individuals with deceptive advertisements and pressured enrollees to lie about their incomes to obtain Obamacare subsidies.¹⁵ Evidence suggests that many individuals do not even know they are signing up for health insurance or agreeing to switch plans.¹⁶ In October 2024, the Centers for Medicare and Medicaid Services acknowledged that it had received 90,000 complaints between January and August of 2024 from patients who lost their health insurance because their plans had been fraudulently changed without their consent.¹⁷

On June 25, 2025, the Trump Administration issued a final regulation to fight the fraud, waste, and abuse caused by the Obamacare subsidies.¹⁸ The rule would have required, among other things, that the federal government check for subsidy eligibility in certain instances before someone enrolls, verify income when an enrollees claimed income does not match IRS data, and allow for verification of income when tax data is unavailable.¹⁹ The rule would have gone into effect on August 25, 2025, but a Biden-appointed judge issued a stay that prevented the fraud-protection measures in the rule from going into effect.²⁰ The court asserted that the Trump Administration had violated the APA when promulgating the rule.²¹ The decision is currently on appeal.²²

⁹ 2022 Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 1818 (IRA).

¹⁰ *Id.*

¹¹ COMMITTEE FOR A RESPONSIBLE BUDGET, *Understanding the ACA Subsidy Discussion* (Nov. 5, 2025).

¹² See Zeke Faux and Zachary R. Mider, Chasing Big Money With the Health-Care Hustlers of South Florida, Bloomberg News (June 5, 2025); GAO, Patient Protection and Affordable Care Act: Preliminary Results from Ongoing Review Suggest Fraud Risks in the Advance Premium Tax Credit Persist, GAO 108742 (Dec. 2, 2025) [hereinafter “GAO 2025 Report”].

¹³ *Id.*

¹⁴ GAO 2025 Report, *supra* note 14.

¹⁵ Faux & Mider, *supra* note 14.

¹⁶ *Id.*

¹⁷ GAO 2025 Report, *supra* note 14.

¹⁸ The Marketplace Integrity and Affordability Rule, 90 Fed. Reg. 27,074 (June 25, 2025).

¹⁹ *Id.*

²⁰ *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (D. Md. Aug. 22, 2025).

²¹ *Id.*

²² Notice of Appeal, *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (Aug. 29, 2025).

To assist the Committee in conducting oversight of how the federal regulatory regime helps or hinders the fight against fraud in Obamacare subsidies, and whether legislative reforms are necessary, we write to request that you produce the following material for the period from January 1, 2020, to the present:

1. The number of people enrolled with your organization or its affiliates who received an APTC for each year from 2020 to 2025, and the dollar amount of total APTCs received by your organization and its affiliates for each year from 2020 to 2025;
2. The number of people enrolled with your organization or its affiliates who received an APTC but did not use insurance benefits for each year from 2020 to 2025, and the dollar amount of total APTCs received by your company for this group for each year from 2020 to 2025;
3. The dollar amount that your organization or its affiliates paid to agents and brokers in commissions, salaries, or other payments for each year from 2020 to 2025;
4. A list of every employee of your organization or its affiliates who works on APTC-related waste, fraud, abuse, or improper enrollment, including their names, titles and job descriptions;
5. All documents and communications referring or relating to brokers or agents engaging in waste, fraud, abuse, or other improper enrollment techniques that result in your organization or its affiliates receiving APTCs;
6. All documents and communications referring or relating to APTC-related waste, fraud, abuse, or improper enrollment between any employee of your organization or its affiliates and the U.S. Centers for Medicare and Medicaid Services or the U.S. Department of Health and Human Services;
7. All documents and communications referring or relating to internal or external audits, investigations, or evaluations of APTC-related waste, fraud, abuse, or improper enrollment;
8. All documents and communications received, created, or sent by any member of the board of directors of your organization or the board of directors of its affiliates referring or relating to APTC-related waste, fraud, abuse, or improper enrollment;
9. All documents and communications, including financial analyses, referring or relating to zero-claim enrollment; and
10. All documents and communications referring or relating to APTC waste, fraud, abuse, or improper enrollment.

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Please provide this material as soon as possible but no later than 10:00 a.m. ET on December 29, 2025. Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of matters concerning “administrative practice and procedure” to inform potential legislative reforms.²³ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman



Scott Fitzgerald
Chairman
Subcommittee on the Administrative
State, Regulatory Reform, and
Antitrust



Jeff Van Drew
Chairman
Subcommittee on Oversight

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Jerrold L. Nadler, Ranking Member, Subcommittee on the Administrative State, Regulatory Reform, and Antitrust

The Honorable Jasmine Crockett, Ranking Member, Subcommittee on Oversight

²³ Rules of the House of Representatives R. X (2025).