

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 9, 2026

Ms. Gail Boudreaux
President and Chief Executive Officer
Elevance Health
c/o Ari Fridman
Hogan Lovells US LLP
555 Thirteenth Street, N.W.
Washington, DC 20004

Dear Ms. Boudreaux:

The Committee on the Judiciary is examining Obamacare subsidies fraud and the ability of current regulatory laws to address this fraud. Obamacare created government-run marketplaces and a subsidy system for individuals to purchase healthcare.¹ The subsidies, which are advanced premium tax credits (APTCs) paid directly from the federal government to insurance companies, cover an enrollee's premium above a percentage of their income.² This structure means that the government pays the health insurance companies more money each time the insurer increases premiums, but the consumer does not see this cost increase when choosing a plan.³ During the COVID-19 pandemic, the Biden-Harris Administration and the Democrat-led Congress temporarily expanded the amount of the Obamacare subsidies and then extended these enhanced subsidies in 2022.⁴ These enhanced subsidies have now expired and reverted back to the original Obamacare levels.⁵

On June 25, 2025, the Trump Administration issued the Marketplace Integrity and Affordability Rule (Rule), which would help limit Obamacare fraud, but a Biden-appointed judge issued a stay that blocked these fraud-protection measures.⁶ The court asserted that the Trump Administration had violated the Administrative Procedure Act (APA) when promulgating the Rule.⁷ That decision is currently on appeal.⁸ In light of this judge's interpretation of the APA

¹ COMMITTEE FOR A RESPONSIBLE BUDGET, *Understanding the ACA Subsidy Discussion* (Nov. 5, 2025).

² *Id.*

³ *Id.*

⁴ American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021); 2022 Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 1818 (IRA).

⁵ *Id.*

⁶ *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (D. Md. Aug. 22, 2025).

⁷ *Id.*

⁸ Notice of Appeal, *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (Aug. 29, 2025).

at a minimum delaying the Rule's important fraud-protection measures, and considering the Government Accountability Office's recent report that found billions of dollars in unreconciled Obamacare subsidies per year and examples of tens of thousands of Social Security Numbers subject to potential fraud,⁹ the Committee is investigating whether the APA needs to be reformed so as to ensure that important healthcare fraud prevention measures can be swiftly implemented and are not unreasonably burdened by administrative procedural requirements.

In a letter dated December 15, 2025, the Committee wrote to Elevance Health requesting that it produce documents and communications to the Committee to examine whether legislative reforms are necessary.¹⁰ The deadline to respond to the letter was December 29, 2025.¹¹ On December 23, 2025 Elevance Health provided a response to requests 1, 2, and 3, partially responded to request 4, and claimed to have no documents responsive to request 8.¹² Elevance Health provided a second response on January 15, 2026, responding to request 4, and a partial response to request 6 of the Committee's letter.¹³ On January 28, 2026, Elevance Health provided a third response, including ten pages of documents in response to request 7.¹⁴ On February 5, 2026, Elevance provided a fourth production in response to requests 5, 6, 7, and 10 of the Committee's letter, and claimed to have no documents in response to request 9.¹⁵

In response to request 7, Elevance Health has not provided internal documents providing context around audits, investigations, or evaluations of APTC-related waste, fraud, abuse and it has not provided documentation about these audits, investigations, or evaluations other than the material provided in response to request 6 about the Health Insurance Casework System. In response to request 5, Elevance has not provided agent specific fraud information outside of its material related to Centers for Medicare & Medicaid Services that was provided in response to request 6.

⁹ 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).

¹⁰ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Scott Fitzgerald, Chairman, H. Subcomm. on the Admin. State, Regul. Reform, and Antitrust, Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight, to Gail Boudreaux, President & CEO, Elevance Health (Dec. 15, 2025) (on file with the Committee).

¹¹ *Id.*

¹² Letter from Samuel Marchio, Vice President, Federal & External Affairs, Elevance Health, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Scott Fitzgerald, Chairman, H. Subcomm. on the Admin. State, Regul. Reform, and Antitrust, Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight (Dec. 23, 2025) (on file with the Committee).

¹³ Letter from Ari Fridman, Hogan Lovells US LLP, on behalf of Gail Boudreaux, President & CEO, Elevance Health, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Scott Fitzgerald, Chairman, H. Subcomm. on the Admin. State, Regul. Reform, and Antitrust, Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight (Jan. 15, 2026) (on file with the Committee).

¹⁴ Letter from Ari Fridman, Hogan Lovells US LLP, on behalf of Gail Boudreaux, President & CEO, Elevance Health, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Scott Fitzgerald, Chairman, H. Subcomm. on the Admin. State, Regul. Reform, and Antitrust, Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight (Jan. 28, 2026) (on file with the Committee).

¹⁵ Letter from Ari Fridman, Hogan Lovells US LLP, on behalf of Gail Boudreaux, President & CEO, Elevance Health, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Scott Fitzgerald, Chairman, H. Subcomm. on the Admin. State, Regul. Reform, and Antitrust, Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight (Feb. 5, 2026) (on file with the Committee).

The Supreme Court has recognized that Congress has “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”¹⁶ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning “[a]dministrative practice and procedure” to inform potential legislative reforms, such as, in this case, whether reforms are needed to the APA to allow for effective implementation of regulations that address Obamacare fraud.¹⁷ The documents requested by the Committee will inform the House’s consideration of these potential legislative reforms.

Accordingly, the Committee is issuing compulsory process to obtain documents and material needed to fulfill its oversight and legislative obligations. Please find the enclosed subpoena compelling production of the requested documents by February 23, 2026.

The Committee appreciates your compliance with our subpoena.

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

Enclosure

¹⁶ See e.g., *Trump v. Mazars LLP*, 591 U.S. 848, 862 (2020).

¹⁷ See generally Rules of the House of Representatives, 119th Cong., R. X (2025); *City of Columbus v. Kennedy*, 1:25-cv-02114-BAH (D. Md. Aug. 22, 2025).