AMERICAN OVERSIGHT

February 19, 2026

VIA ONLINE PORTAL

Centers for Medicare & Medicaid Services
Freedom of Information Act Office
North Building, Rm. C5-11-06
7500 Security Blvd.
Baltimore, MD 21244
Via Online Portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

Enhanced premium tax credits, first signed into law as part of the American Rescue Plan in 2021, were created to help make health insurance more affordable for people buying coverage through the Affordable Care Act marketplaces.[1] Congress did not extend these tax credits before they expired on December 31, 2025.[2] As a result, monthly premiums will increase for marketplace enrollees who previously claimed these tax credits, and some enrollees may choose to forego health coverage in 2026 due to increased costs.[3] Preliminary data from the Centers for Medicare & Medicaid Services (CMS) indicate that 1.4 million fewer people signed up for health insurance through the marketplaces since the start of the 2026 open enrollment period on November 1, 2025 (in comparison to the 2025 open enrollment period).[4] American

[1] *See* Andrew Patzman, Kendall Strong, and Lisa Harootunian, *Enhanced Premium Tax Credits: Who Benefits, How Much, and What Happens Next?*, Bipartisan Policy Center, Oct. 15, 2025, https://bipartisanpolicy.org/issue-brief/enhanced-premium-tax-credits-who-benefits-how-much-and-what-happens-next/.
[2] *See* Sam Gringlas, *House Votes to Renew ACA Subsidies, as Senate Republicans Rebuke Trump on Venezuela*, NPR, Jan. 8, 2026, https://www.npr.org/2026/01/08/nx-s1-5662625/house-vote-affordable-care-act-subsidies.
[3] *See* Matthew Buettgens, et al., *4.8 Million People Will Lose Coverage in 2026 If Enhanced Premium Tax Credits Expire*, Urban Institute, Sept. 17, 2025, https://www.urban.org/research/publication/48-million-people-will-lose-coverage-2026-if-enhanced-premium-tax-credits.
[4] *See* Reed Abelson & Margot Sanger-Katz, *Initial Obamacare Enrollment Drops by 1.4 Million*, N.Y. Times, Jan. 13, 2026, https://www.nytimes.com/2026/01/13/health/obamacare-enrollment-decrease-subsidies.html; Joseph Choi, *Early ACA Numbers Show Drastic Drop in Enrollment*, The

Oversight seeks records with the potential to shed light on this matter, including whether and how the Administration is working with Congress to ensure individuals and families can afford and access health insurance coverage.

Requested Records

American Oversight requests that your agency produce the following records within twenty business days:

> All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed below, and/or anyone communicating on their behalf, such as an assistant, secretary, or chief of staff, and (b) any of the external entities listed below and also (c) containing any of the key terms listed below.
>
> CMS Officials:
>
> a. Mehmet Oz, Administrator
> b. Stephanie Carlton, Deputy Administrator & Chief of Staff
> c. John Brooks, Deputy Administrator & Chief Policy and Regulatory Officer
> d. Kimberly Brandt, Chief Operating Officer & Deputy Administrator
> e. John Czajkowski, Deputy Chief Operating Officer
> f. Peter Nelson, Deputy Administrator and Director, CCIIO
> g. Beth Parish, Deputy Director for Operations, CCIIO
> h. Jeff Wu, Deputy Director for Policy, CCIIO
> i. Rebekah Armstrong, Director, Office of Legislation
> j. Jennifer Boulanger, Deputy Director, Office of Legislation
> k. Christopher Krepich, Director, OC
> l. Mary Wallace, Deputy Director for Operations, OC
> m. Karen Olson, Deputy Director for Communications, OC
> n. Emily Chen, Senior Advisor
>
> External Entities:
>
> a. Anyone communicating on behalf of Covered California, including, but not limited to, anyone communicating by using an email address that contains "covered.ca.gov"
> b. Anyone communicating on behalf of Georgia Access, including, but not limited to, anyone communicating by using an email address that contains "georgiaaccess.ga.gov"
> c. Anyone communicating on behalf of Get Covered NJ, including, but not limited to, anyone communicating by using an email address that contains "dobi.nj.gov"
> d. Anyone communicating on behalf of Pennie, including, but not limited to, anyone communicating by using an email address that contains "pa.gov"

Hill, Jan. 13, 2026, https://thehill.com/policy/healthcare/5686388-aca-marketplace-enrollment-drop/.

e. Anyone communicating on behalf of Get Covered Illinois, including, but not limited to, anyone communicating by using an email address that contains "illinois.gov"

Key Terms:

i. "Affordable Care Act"
ii. "clean extension"
iii. "cost sharing"
iv. "Great Healthcare Plan"
v. "health savings account"
vi. "HealthCare.gov"
vii. "Obama care"
viii. "shut down"
ix. "tax credit"
x. ACA
xi. cost-sharing
xii. coverage
xiii. discharge
xiv. eligib*
xv. enhanced
xvi. enroll*
xvii. exchange
xviii. expan*
xix. expir*
xx. exten*
xxi. HSA
xxii. Hyde
xxiii. marketplace
xxiv. midterm
xxv. Obamacare
xxvi. premium
xxvii. reopen
xxviii. shut-down
xxix. shutdown
xxx. subsid*
xxxi. uninsured

Please note that American Oversight is using the asterisk (*) to designate the standard use of "wildcards" in the search for responsive records. For example, a search for "expir*" would return all of the following: expiry, expired, expiration, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. For example, if a specific individual received a mass-distribution news clip email containing the term "ACA" from an

email address containing "illinois.gov", that initial email would not be responsive to this request. However, if that specific individual forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from October 1, 2025, through January 23, 2026.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."[5] The public has a significant interest in how the White House, the Department of Health and Human Services, and the Centers for Medicare & Medicaid Services are working with Congress, as well as State-based Exchanges, to ensure individuals and families can afford and access health insurance coverage. The enhanced premium tax credits previously benefited low- and middle-income people who do not receive health insurance through an employer or other government program—including many small business owners and employees, farmers and ranchers, and people who are self-employed. According to the Kaiser Family Foundation, about 93% of Affordable Care Act marketplace enrollees nationwide received premium tax credits in 2025.[6] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including steps the Administration is taking to make health care affordable for those who purchase their own health insurance. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."[7] In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose, and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the

[5] 5 U.S.C. § 552(a)(4)(A)(iii).
[6] *See* Emma Wager, *More Than 3 in 4 ACA Marketplace Enrollees Live in States Won by President Trump in 2024*, Kaiser Family Foundation, Oct. 3, 2025, https://www.kff.org/quick-take/more-than-3-in-4-aca-marketplace-enrollees-live-in-states-won-by-president-trump-in-2024/.
[7] 5 U.S.C. § 552(a)(4)(A)(iii).

public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[8]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.[9] Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;[10] posting records and editorial content about the federal government's response to the COVID-19 pandemic;[11] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[12] the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;[13] and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.[14]

---

[8] American Oversight currently has approximately 16,000 followers on Facebook and 94,100 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Jan. 26, 2026); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Jan. 26, 2026).

[9] *See generally Our Latest*, American Oversight, https://www.americanoversight.org/blog.

[10] *The Trump Administration's Contacts with Ukraine*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine.

[11] *See generally The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *see, e.g.*, *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings.

[12] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/.

[13] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

[14] *See generally Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, https://www.americanoversight.org/investigation/swamp-airlines-private-jets-

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, or emails.

- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written or typed material of any kind.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.[15] It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.[16]

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-

---

taxpayer-expense; *see, e.g.*, *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state.

[15] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); *cf. Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

[16] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

wide requirements to manage agency information electronically,[17] and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

---

[17] Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), https://www.archives.gov/files/records-mgmt/m-12-18.pdf.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact David Kronig at foia@americanoversight.org or (202) 897-3915. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ David Kronig
David Kronig
on behalf of
American Oversight