



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

SEP 30 2014

The Honorable Edward R. Royce  
Chairman  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your follow-up letter concerning the eligibility of foreign diplomats to receive United States' taxpayer-funded benefits. To summarize what Secretary Sebelius noted in her reply to your previous letter on this issue, the elimination of fraud, waste, and abuse is a top priority for the Department of Health and Human Services (the Department), and we work closely with states to ensure that Medicaid enrollment and benefits are only offered to individuals who are eligible for Medicaid. You ask several questions regarding eligibility for government-administered programs that are answered below.

In response to your first question, some individuals with diplomatic status may be eligible for programs in addition to Medicaid. However, I am unable to speak to eligibility for other government medical programs administered by other federal departments. Regarding Departmental programs, as outlined in my predecessor's letter of April 9, 2014, generally to be eligible for Medicaid, a foreign diplomat would need to meet the statutory definition of a "qualified alien" (referred to as a "qualified non-citizen") and be otherwise eligible for Medicaid in the state including meeting income eligibility standards. States have the option to provide Medicaid or Children's Health Insurance Program (CHIP) coverage to low-income "lawfully residing" qualified non-citizen children and pregnant women as long as all other eligibility requirements are met. Similarly, women with diplomatic status may be eligible to receive family planning related health care services through the federal Title X grant program, on a sliding pay scale, as long as they meet the eligibility requirements for low-income and/or uninsurance. The Department does not collect data that identify whether individuals receiving services through our medical programs have diplomatic status. Therefore, we cannot provide information regarding program enrollment or costs specific to foreign diplomats.

In response to your second question, foreign diplomats' eligibility to participate in the Health Insurance Marketplaces is governed by the Affordable Care Act, which specifies that, in order to enroll in a qualified health plan (QHP) through the Marketplace, an individual must: (1) reside in the state that established the Marketplace; (2) not be incarcerated, other than pending the disposition of charges; and (3) be a United States' citizen or national, or a non-citizen who is lawfully present and reasonably expected to remain so for the entire period for which enrollment is sought. Non-immigrant, non-citizens in the "A" and "G" visa classifications are lawfully present for this purpose, if they have not violated the terms of the status under which they were admitted or to which they have changed after admission. Accordingly, to the extent that a foreign diplomat who is a non-immigrant under an "A" or "G" visa classification and who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission resides in the state that established the Marketplace and is not incarcerated other than pending the disposition of charges, he or she would be eligible for

enrollment in a QHP through the Marketplace. The Department does not collect data on the number of foreign diplomats who participate in the Marketplace.

In response to your third question, foreign diplomats could be eligible for premium tax credits and cost-sharing reductions. The Affordable Care Act provides that cost-sharing reductions are only available for a month in which an individual is also eligible for a premium tax credit. In order to claim a premium tax credit, an individual must:

- File a tax return;
- Have household income between 100 and 400 percent of the Federal Poverty Level;
- If married, file a joint tax return; and
- Not be able to be claimed as a tax dependent by anyone else.

In addition, the taxpayer, spouse, or a dependent must have at least one coverage month, which means that a taxpayer, spouse, or dependent must:

- Enroll in a QHP through the Marketplace;
- Not be eligible for minimum essential coverage, other than coverage in the individual market, or non-qualifying employer-sponsored coverage; and
- Have paid in full any portion of the monthly premium that is not covered by the premium tax credit.

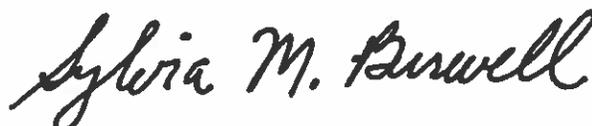
Accordingly, a foreign diplomat could satisfy the statutory criteria to be eligible for a premium tax credit and cost-sharing reductions. However, the Department does not collect data that identifies whether individuals receiving tax credits and/or cost sharing reductions have diplomatic status.

Last, as mentioned above, the Department does not collect data that identify whether individuals receiving services through our medical programs have diplomatic status. Accordingly, we also do not collect information on allegations or incidents of fraud specifically involving foreign diplomats.

I emphasize that the elimination of fraud, waste, and abuse in our programs is critically important to the Department of Health and Human Services and that the safeguarding of taxpayer dollars is a top priority. The Department consistently strives to ensure that individuals who are not qualified for government-administered programs are not able to obtain enrollment or subsidy benefits.

I appreciate hearing from you on this important issue and assure you that I am committed to safeguarding the integrity of government-administered programs. Please do not hesitate to contact me with any further thoughts or concerns.

Sincerely,



Sylvia M. Burwell