

**Congress of the United States**  
**Washington, DC 20515**

October 29, 2014

The Honorable John Koskinen  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, DC 20224

Dear Commissioner Koskinen:

Many Americans would be surprised to learn that their tax dollars may be subsidizing health coverage for foreign diplomats. The Committees on Foreign Affairs and Ways and Means are investigating the extent to which these diplomats receive taxpayer-subsidized premium tax credits and cost-sharing subsidies under the Affordable Care Act. We are seeking to determine how many such individuals participate in these programs and the total cost of such benefits. As the agency principally responsible for administering health coverage tax credits, we request that you provide this information as soon as possible.

According to the Department of Health and Human Services, foreign diplomats holding “A” or “G” visas are eligible to participate in an array of medical programs administered by the federal government, including participation in Health Insurance Marketplaces governed by the Affordable Care Act (ACA).<sup>1</sup> The Secretary of Health and Human Services has informed the Committee on Foreign Affairs that, if they meet basic ACA requirements, “a foreign diplomat could satisfy the statutory criteria to be eligible for a premium tax credit and cost-sharing reductions.”<sup>2</sup> The State Department has gone so far as to advertise to Foreign Missions, Permanent Missions to the United Nations, and the United Nations Secretariat that health care exchanges and “the benefits of the United States Affordable Care Act are available” to them.<sup>3</sup>

The Foreign Affairs Committee has sought to determine the number of diplomats receiving coverage and subsidies under the ACA.<sup>4</sup> Unfortunately, the State Department has informed the Foreign Affairs Committee that it “is not involved in the process through which foreign

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<sup>1</sup> Letter to House Committee on Foreign Affairs Chairman Edward R. Royce from Department of Health and Human Services Secretary Sylvia M. Burwell, September 30, 2014.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Department of State Diplomatic Note 13-1117: Affordable Care Act Guidance, November 21, 2013; USUN Diplomatic Note HC-115-13: USUN Affordable Care Act Guidance, November 26, 2013; USUN Diplomatic Note HC-115-(S)-13: UN Secretariat Affordable Care Act Guidance, November 26, 2013, *available at*: <http://www.state.gov/ofm/notes/c60388.htm>.

<sup>4</sup> *See attached* Letter from House Committee on Foreign Affairs Chairman Edward R. Royce to Department of State Secretary John F. Kerry, with carbon copies to U.S. Attorney General Eric H. Holder and Department of Health and Human Services Secretary Kathleen Sebelius, December 23, 2013; Letter from House Committee on Foreign Affairs Chairman Edward R. Royce to Department of Health and Human Services Secretary Kathleen Sebelius, January 22, 2014; and Letter from House Committee on Foreign Affairs Chairman Edward R. Royce to Department of Health and Human Services Secretary Kathleen Sebelius, April 25, 2014.

diplomats obtain government-funded benefits” and cannot provide that data.<sup>5</sup> The Department of Health and Human Services is likewise unable to provide this information. Specifically, it noted that “[t]he Department does not collect data that identify whether individuals receiving services through our medical programs have diplomatic status.” Similarly, “the Department does not collect data that identifies whether individuals receiving tax credits and/or cost sharing reductions have diplomatic status.”<sup>6</sup> Copies of these letters are attached for your reference.

We fully support the ability of foreign diplomats to purchase health care coverage in the United States. We do not, however, believe that American taxpayers should subsidize these services. To assist with our oversight of this matter, we ask that you please provide the following information as soon as possible, but **not later than 5:00 p.m. on November 12, 2014.**

1. The total number, including from which country, of all non-immigrant, non-citizen “A” and “G” visa holders who are eligible for, and who have received, premium tax credits for qualified health plans under the Affordable Care Act;
2. The total number, including from which country, of all non-immigrant, non-citizen “A” and “G” visa holders who are eligible for, and who have received, cost-sharing reductions for qualified health plans under the Affordable Care Act; and
3. The total cost, and cost per individual, of all subsidies provided to the individuals above.

We fully expect the IRS to communicate with the Department of Health and Human Services and other entities to obtain any and all information necessary to respond to this request.

If you have any questions, please contact Foreign Affairs Committee Chief Counsel for Oversight and Investigations Thomas Alexander at 202-225-5021, or Ways and Means Oversight Subcommittee Staff Director Mark Epley at 202-225-3625.

Thank you for your prompt attention to this important matter.

Sincerely,



EDWARD R. ROYCE  
Chairman  
Committee on Foreign Affairs



DAVE CAMP  
Chairman  
Committee on Ways and Means

<sup>5</sup> Letter to House Committee on Foreign Affairs Chairman Edward R. Royce from Department of State Secretary John F. Kerry, May 8, 2014.

<sup>6</sup> Letter to House Committee on Foreign Affairs Chairman Edward R. Royce from Department of Health and Human Services Secretary Sylvia M. Burwell, September 30, 2014.

The Honorable John Koskinen

October 29, 2014

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Attachments

Cc: The Honorable John F. Kerry, Secretary, U.S. Department of State  
The Honorable Sylvia M. Burwell, Secretary, U.S. Department of Health and Human  
Services

EDWARD R. ROYCE, CALIFORNIA  
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One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

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RANKING DEMOCRATIC MEMBER

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JOAQUIN CASTRO, TEXAS

JASON STEINBAUM  
DEMOCRATIC STAFF DIRECTOR

December 23, 2013

The Honorable John Kerry  
Secretary of State  
Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Mr. Secretary:

I am deeply troubled by recent reports that dozens of Russian diplomats and their dependents apparently engaged in systematic Medicaid fraud while in the United States.<sup>1</sup> I am writing to request further information about this matter and the Administration's plans to address the law enforcement and diplomatic aspects.

According to the U.S. Attorney for the Southern District of New York, 25 current and former Russian diplomats and 24 of their spouses allegedly participated in a scheme to illegally obtain Medicaid benefits for prenatal care and related costs by underreporting their income or falsely claiming that their children were citizens of the United States.<sup>2</sup> Over the course of almost ten years, they and other co-conspirators received approximately \$1.5 million in benefits to which they were not entitled. The U.S. Attorney further alleges that this behavior was facilitated by the staff of Russian diplomatic offices in the U.S., who supplied false documentation to New York officials in support of the fraudulent Medicaid claims made by the diplomats and their spouses.<sup>3</sup>

The unsealing of the U.S. Attorney's criminal complaint raises a number of issues about the Administration's options for handling this matter and the interagency coordination during the

<sup>1</sup> Evan Perez, "Sources: Diplomatic Fraud Ring Also Spied," December 9, 2013, CNN.com, <http://security.blogs.cnn.com/2013/12/09/first-on-cnn-sources-diplomatic-fraud-ring-also-spied/>.

<sup>2</sup> Kuleshov, Mikhail *et al.*, 13 MAG 2711 Complaint, S.D.N.Y., available at <http://www.justice.gov/usao/nys/pressreleases/December13/KuleshovMikhailComplaintPR/Kuleshov,%20Mikhail%20et%20al.%20%2013%20MAG%202711%20Complaint.pdf>.

<sup>3</sup> U.S. Attorney's Office, "Manhattan U.S. Attorney And FBI Assistant Director-In-Charge Announce Health Care Fraud Charges Against Current And Former Russian Diplomats And Their Spouses," December 5, 2013, <http://www.fbi.gov/newyork/press-releases/2013/manhattan-u.s.-attorney-and-fbi-assistant-director-in-charge-announce-health-care-fraud-charges-against-current-and-former-russian-diplomats-and-their-spouses>

precursor investigation. In order to better understand this situation, I would appreciate a detailed, staff-level briefing at the earliest opportunity, as well as written answers to the following questions prior to the meeting:

1. How will the Administration treat the 11 named defendants who, according to the U.S. Attorney, remain in the United States?<sup>4</sup> Will you ask the Russian government to waive their immunity so that they can be prosecuted? If not, will the Department declare them *persona non grata*?
2. How will the Administration treat the 38 named defendants who, according to the U.S. Attorney, no longer reside in the United States?<sup>5</sup> Will you request that they be extradited to stand trial? If not, will the Department impose a U.S. visa ban on them?
3. How will the Administration treat the unindicted co-conspirators at Russian diplomatic offices in the U.S. who allegedly advised and assisted the named defendants by supplying false documentation to New York officials in support of the fraudulent Medicaid claims?
4. Will the Administration bill the Russian government for the Medicaid benefits its personnel fraudulently used? If not, how will New York State's Medicaid program be compensated for the loss?
5. On December 5, 2013, Department of State Deputy Spokeswoman Marie Harf said, "We are still...reviewing the charges that were unsealed."<sup>6</sup> How closely did the U.S. Attorney, Department of Justice, or Federal Bureau of Investigation cooperate with the Department of State during the investigation? What steps did the U.S. Attorney take to coordinate with the Department of State before filing the complaint on November 18, 2013 or unsealing it on December 5, 2013?

This situation also raises a number of important questions about government programs that provide benefits to foreign diplomats. I therefore would appreciate written answers to the following questions not later than January 13, 2014:

6. On December 6, 2013, Department of State Deputy Spokeswoman Marie Harf stated that foreign diplomats in the United States "who meet certain eligibility criteria may apply for and receive federally funded medical care."<sup>7</sup> What are the medical programs for which foreign diplomats<sup>8</sup> may be eligible? What are the eligibility criteria? Over the last 10 years, how many foreign diplomats have used these programs? What was the total cost

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Department of State, Daily Press Briefing, December 5, 2013, <http://www.state.gov/r/pa/prs/dpb/2013/12/218388.htm>.

<sup>7</sup> Department of State, Daily Press Briefing, December 6, 2013, <http://www.state.gov/r/pa/prs/dpb/2013/12/218491.htm>.

<sup>8</sup> In this and subsequent uses, "foreign diplomats" means all nonimmigrant aliens in the "A" and "G" visa classifications, including dependents and personal employees.

of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.

7. Are foreign diplomats eligible for government-funded benefits other than Medicaid (*e.g.*, Temporary Assistance to Needy Families or the Supplemental Nutrition Assistance Program)? If so, which programs and what are the eligibility criteria? Over the last 10 years, how many foreign diplomats have taken advantage of these programs? What was the total cost of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.
8. Is the Administration aware of other cases where foreign diplomats fraudulently or inappropriately obtained Medicaid or other government-funded benefits? Please provide the details of these cases, including the cost of any benefits that were inappropriately obtained.
9. What is the Administration doing to ensure that foreign diplomats cannot inappropriately obtain government-funded benefits in the future? Has the Administration asked relevant government benefit agencies to check their rolls for the names of foreign diplomats? Does the Department regularly provide a list of foreign diplomats to relevant government benefit agencies?

Copies of this letter are being sent to the Departments of Justice and Health and Human Services. If additional information is needed, please contact Thomas Alexander, Chief Counsel for Oversight and Investigations, at (202) 225-5021. Thank you for your prompt attention to this important matter.

Sincerely,



EDWARD R. ROYCE  
Chairman

cc: The Honorable Eliot L. Engel, Ranking Member, Committee on Foreign Affairs  
The Honorable Eric Holder, Attorney General, U.S. Department of Justice  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services

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JOAQUIN CASTRO, TEXAS

JASON STEINBAUM  
DEMOCRATIC STAFF DIRECTOR

January 22, 2014

The Honorable Kathleen Sebelius  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Ave, S.W.  
Washington, D.C. 20201

Dear Madam Secretary:

I am deeply troubled by recent reports that dozens of Russian diplomats and their dependents apparently engaged in systematic Medicaid fraud while in the United States.<sup>1</sup> I am writing to request further information about this matter.

According to the U.S. Attorney for the Southern District of New York, 25 current and former Russian diplomats and 24 of their spouses allegedly participated in a scheme to illegally obtain Medicaid benefits for prenatal care and related costs by underreporting their income or falsely claiming that their children were citizens of the United States.<sup>2</sup> Over the course of almost ten years, they and other co-conspirators received approximately \$1.5 million in benefits to which they were not entitled. The U.S. Attorney further alleges that this behavior was facilitated by the staff of Russian diplomatic offices in the U.S., who supplied false documentation to New York officials in support of the fraudulent Medicaid claims made by the diplomats and their spouses.<sup>3</sup>

This situation raises a number of important questions about government programs that provide benefits to foreign diplomats. I therefore would appreciate written answers to the following questions not later than February 5, 2014:

<sup>1</sup> Evan Perez, "Sources: Diplomatic Fraud Ring Also Spied," December 9, 2013, CNN.com, <http://security.blogs.cnn.com/2013/12/09/first-on-cnn-sources-diplomatic-fraud-ring-also-spied/>.

<sup>2</sup> Kuleshov, Mikhail *et al.*, 13 MAG 2711 Complaint, S.D.N.Y., *available at* <http://www.justice.gov/usao/nys/pressreleases/December13/KuleshovMikhailComplaintPR/Kuleshov,%20Mikhail%20et%20al.%20%2013%20MAG%202711%20Complaint.pdf>.

<sup>3</sup> U.S. Attorney's Office, "Manhattan U.S. Attorney And FBI Assistant Director-In-Charge Announce Health Care Fraud Charges Against Current And Former Russian Diplomats And Their Spouses," December 5, 2013, <http://www.fbi.gov/newyork/press-releases/2013/manhattan-u.s.-attorney-and-fbi-assistant-director-in-charge-announce-health-care-fraud-charges-against-current-and-former-russian-diplomats-and-their-spouses>

1. On December 6, 2013, Department of State Deputy Spokeswoman Marie Harf stated that foreign diplomats in the United States “who meet certain eligibility criteria may apply for and receive federally funded medical care.”<sup>4</sup> What are the medical programs for which foreign diplomats<sup>5</sup> may be eligible? What are the eligibility criteria? Over the last 10 years, how many foreign diplomats have used these programs? What was the total cost of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.
2. Are foreign diplomats eligible for government-funded benefits other than Medicaid (*e.g.*, Temporary Assistance to Needy Families or the Supplemental Nutrition Assistance Program)? If so, which programs and what are the eligibility criteria? Over the last 10 years, how many foreign diplomats have taken advantage of these programs? What was the total cost of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.
3. Is the Administration aware of other cases where foreign diplomats fraudulently or inappropriately obtained Medicaid or other government-funded benefits? Please provide the details of these cases, including the cost of any benefits that were inappropriately obtained.
4. What is the Administration doing to ensure that foreign diplomats cannot inappropriately obtain government-funded benefits in the future? Has the Administration asked relevant government benefit agencies to check their rolls for the names of foreign diplomats? Does the Department regularly provide a list of foreign diplomats to relevant government benefit agencies?

If additional information is needed, please contact Thomas Alexander, Chief Counsel for Oversight and Investigations, at (202) 225-5021. Thank you for your prompt attention to this important matter.

Sincerely,



EDWARD R. ROYCE  
Chairman

cc: The Honorable Eliot L. Engel, Ranking Member, Committee on Foreign Affairs

<sup>4</sup> Department of State, Daily Press Briefing, December 6, 2013, <http://www.state.gov/r/pa/prs/dpb/2013/12/218491.htm>.

<sup>5</sup> In this and subsequent uses, “foreign diplomats” means all nonimmigrant aliens in the “A” and “G” visa classifications, including dependents and personal employees.





THE SECRETARY OF HEALTH AND HUMAN SERVICES

WASHINGTON, D.C. 20201

April 9, 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 recent letter concerning allegations that Russian diplomats and their dependents defrauded New York's Medicaid program. I am unable to comment on these specific allegations, which are currently under the jurisdiction of the Department of Justice. I can, however, assure you that the Department of Health and Human Services (HHS) is firmly committed to preventing and eliminating fraud against Medicaid or any other federal health care or benefit program.

You raised concerns regarding eligibility for several government-funded benefit programs; below is information on eligibility criteria for those programs.

Federal law permits states to provide Medicaid coverage to low-income "lawfully residing" children and pregnant women and Children's Health Insurance Program (CHIP) coverage to low-income children. The requirements for states seeking to implement this option can be found in the State Health Official letter issued on July 1, 2010:

<http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO10006.pdf>. In order to be eligible for Medicaid under this option, an individual must be considered lawfully present and meet all other eligibility requirements in the state, including residency. Children and pregnant women who have a valid non-immigrant visa, including foreign diplomats who are non-immigrants in the "A" and "G" visa classifications, are considered lawfully present and could qualify for Medicaid benefits if they meet all other eligibility criteria, including income requirements. Outside of these circumstances, individuals who have diplomatic non-immigrant visas are generally not considered to have a qualified immigration status and are generally limited to coverage of services for the treatment of an emergency medical condition, if the individual meets all of the other eligibility requirements under the state plan.

Federally-funded Temporary Assistance for Needy Families (TANF) benefits may be available to "qualified aliens" who meet the required income classifications and other program requirements. The term "qualified aliens" includes legal permanent residents, asylees, refugees, aliens paroled into the United States for at least one year, aliens whose deportations are being withheld, aliens granted conditional entry, Cuban/Haitian entrants, and certain battered aliens. However, there is a statutory five-year bar on providing TANF benefits to certain "qualified aliens" who entered the United States after August 22, 1996. Foreign diplomats do

not fall into the "qualified alien" category and would not be eligible for federally funded TANF benefits.

The elimination of fraud, waste, and abuse, particularly in health care programs, is a top priority. HHS works closely with states to ensure that program enrollment and benefits are only offered to individuals who are eligible for Medicaid and other programs. The Department leverages technology and available databases to obtain eligibility verification information and additional eligibility policy resources through a consolidated manual and web-based training. While we work to ensure that individuals not qualified for our programs do not obtain enrollment in the first place, when we suspect fraud within the programs, we work closely with law enforcement to investigate such cases.

Thank you for your interest in this matter, and I assure you that HHS is committed to ensuring the integrity of our programs. Please do not hesitate to contact me with any further thoughts or concerns.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Sebelius". The signature is written in a cursive style with a large, stylized "K" and "S".

Kathleen Sebelius



One Hundred Thirteenth Congress  
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Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

April 25, 2014

The Honorable Kathleen Sebelius  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
2000 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Madam Secretary,

Thank you for your April 9, 2014 letter responding to my January 22, 2014 request for information about programs administered by the Department of Health and Human Services ("Department"). To advance the Committee's oversight, I had asked a number of questions about the eligibility of foreign diplomats<sup>1</sup> to receive U.S. taxpayer-funded benefits, the number who have received such benefits, and the total cost. While your April 9, 2014 reply contained some helpful information, it unfortunately did not address many of the specific questions I raised. I am therefore writing to restate my request and ask that you please respond in an expedited manner.

For your convenience, the following list contains the questions that remain outstanding from my previous request:

1. In addition to Medicaid, please list all government administered medical programs which foreign diplomats might be eligible.
  - What are the eligibility criteria for each of these programs?
  - Over the last 10 years, how many foreign diplomats have used these programs? Please provide these data sorted by foreign diplomatic mission or international organization.
  - What was the total cost of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.
  - If there are no programs other than Medicaid, then please indicate that.

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<sup>1</sup> In this and subsequent uses, "foreign diplomats" means all nonimmigrant aliens in the "A" and "G" visa classifications, including dependents and personal employees.

The Honorable Kathleen Sebelius

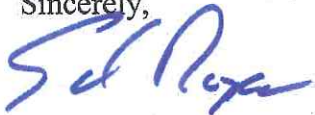
April 25, 2014

Page 2

2. Are foreign diplomats eligible to participate in healthcare exchanges set up under the authority of the Patient Protection and Affordable Care Act of 2010, as amended (PPACA)?
  - If so, what are the eligibility criteria?
  - How many foreign diplomats are participating? Please provide these data sorted by foreign diplomatic mission or international organization.
  
3. Are foreign diplomats eligible for any subsidies, tax credits, or tax reductions made available under the authority of the PPACA?
  - If so, what are the eligibility criteria?
  - How many foreign diplomats have taken advantage of any subsidy, tax credit or tax reduction? Please provide these data sorted by foreign diplomatic mission or international organization.
  
4. Please list all cases over the last 10 years in which foreign diplomats fraudulently or inappropriately obtained Medicaid or other government-funded benefits administered by the Department.
  - What was the total cost of the benefits provided? Please provide these data sorted by foreign diplomatic mission or international organization.

I ask that you please provide this information **no later than 5:00 p.m. on Thursday, May 8, 2014**. If you have any questions regarding this request, please contact Thomas Alexander, Chief Counsel for Oversight and Investigations, at (202) 225-5021. Thank you for your prompt attention to this important matter.

Sincerely,



EDWARD R. ROYCE  
Chairman

cc: The Honorable Elliot Engel, Ranking Minority Member, Committee on Foreign Affairs



United States Department of State

Washington, D.C. 20520

MAY - 8 2014

Dear Mr. Chairman:

Thank you for your letter of December 23, 2013, regarding the complaint filed by the United States Attorney for the Southern District of New York, which charges 49 Russian diplomats or their spouses with illegally obtaining Medicaid benefits. We regret the delay in our response.

This letter responds to your questions to the extent that is possible by the Department of State. As stated in your letter, at the time the complaint was unsealed on December 5, 11 of the named defendants were physically present in the United States. In the subsequent days, all 11 individuals had departed the country, thereby losing their full diplomatic immunity. The identities of the unnamed co-conspirators are unknown to the Department.

The Department frequently responds, as we did with this matter, to requests from the Federal Bureau of Investigation for employment details and immunity levels of foreign government employees in the United States.

The Department routinely informs foreign missions that we expect the State of origin to provide ample resources to enable its personnel to pay for their healthcare needs, and that we expect their personnel to maintain basic health insurance coverage. The Department is not involved in the process through which foreign diplomats obtain government-funded benefits. The Department of Health and Human Services may be in a better position to address your questions about eligibility criteria for the Medicaid program and Temporary Assistance to Needy Families or the Supplemental Nutrition Assistance Program.

The Department will continue to look into the existence of other cases involving foreign diplomats fraudulently or inappropriately obtaining government-funded benefits.

The Honorable

Edward R. Royce, Chairman

Committee on Foreign Affairs,

House of Representatives.

We are prepared to discuss the issues raised in your letter in an appropriate setting. We hope this information is useful. Please do not hesitate to contact us again if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julia Frifield".

Julia Frifield  
Assistant Secretary  
Legislative Affairs



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