

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<https://oversight.house.gov>

September 3, 2025

The Honorable Kathy Hochul
Governor
State of New York
New York State Capitol Building
Albany, NY 12224

Dr. James V. McDonald
Commissioner
New York Department of Health
Corning Tower Empire State Plaza
100 S Mall Arterial
Albany, NY 12237

Dear Governor Hochul and Commissioner McDonald:

The Committee on Oversight and Government Reform is continuing its oversight of the Biden Administration's open-border policies, their devastating social and fiscal impact on American citizens, and critical federally funded health care programs and services. Specifically, the Committee is investigating waste, fraud and abuse in several Medicaid programs due to the Biden Administration's failure to enforce U.S. immigration laws and the resulting expansion of benefits for illegal aliens. According to the Congressional Budget Office, federal and state taxpayers paid more than \$16.2 billion to provide Medicaid-funded emergency services to illegal aliens during the first three years of the Biden Administration as a result of the influx.¹ The Committee requests documents and communications related to the state of New York's Medicaid program.

Medicaid provides critical health coverage for America's most vulnerable citizens — low-income families, children, pregnant women, seniors, and individuals with disabilities.² It is “jointly funded by the states and federal government” and “[t]he federal government pays states for a specified percentage of program medical expenditures [.]”³ Federal Medicaid funding is “generally only available for limited Medicaid coverage necessary for treatment of an emergency medical condition, including emergency labor and delivery, and not related to an organ transplant procedure, for individuals who meet all Medicaid eligibility requirements except satisfactory immigration status.”⁴

¹Letter from Phillip L. Swagel, Dir., Cong. Budget Off., to Jodey Arrington, Chairman, H. Comm. on the Budget (Oct. 2, 2024), available at https://www.cbo.gov/system/files/2024-10/Arrington_Letter_EmergencyMedicaid_Immigration_final.pdf.

² *Legislative Proposals to Increase Medicaid Access and Improve Program Integrity: Hearing Before the H. Comm. on Energy and Com., Subcomm. on Health*, 118th Congress 2, (Apr. 20, 2024) (statement of Daniel Tsai, Deputy Dir., Ctr. for Medicaid & CHIP Servs., Ctrs. for Medicare & Medicaid Servs.).

³ *Id.*

⁴ Letter to States from Drew Snyder, Deputy Admin. and Dir., Ctrs. for Medicare & Medicaid Servs. (May 27, 2025); See 42 U.S.C. § 1396b(v)(1)-(3) (2025).

To determine how federal money is being used to pay for health care and other services for illegal aliens in the aftermath of the Biden Administration's disastrous immigration policies, the Committee requests the following documents and communications, covering the time period January 1, 2019 to the present, as soon as possible, but no later than September 17, 2025.

1. The names of all state and local programs that provide health coverage and other services for illegal aliens,⁵ including but not limited to "Emergency Medicaid" and "Medicaid";⁶
 - a. If any of these programs are administered by a Managed Care Organization (MCO), provide all contracts between New York, its affiliated agencies and government entities, and all MCOs.
2. All processes and procedures related to the verification of enrollment eligibility in your state's "Emergency Medicaid" and "Medicaid" programs, including any related to the verification of immigration status;
3. The number of individuals denied "Emergency Medicaid" and "Medicaid" due to an unsatisfactory immigration status, including individuals that later applied through presumptive eligibility;
4. A list of every "Emergency Medicaid" and "Medicaid" covered procedure and benefit performed on or received by an illegal alien;
5. The cost of every "Emergency Medicaid" and "Medicaid" covered procedure and benefit performed on or received by an illegal alien;
6. All documents and communications related to your state's charity care programs for illegal aliens, including how these programs are funded;
7. All actuarial rate certification documents for your state's Medicaid Managed Care Programs, including but not limited to documents prepared by Mercer;
8. Your state's "Emergency Medicaid" eligibility categories for individuals and groups with an unsatisfactory immigration status (eligibility category);⁷
 - a. For each eligibility category, identify the individuals and groups that qualify for "Emergency Medicaid" coverage.

⁵ All questions using the terms "illegal aliens" or "illegal alien" include noncitizens with an unsatisfactory immigration status.

⁶ All questions using the terms "Emergency Medicaid" or "Medicaid" include the state's Children's Health Insurance Program (CHIP).

⁷ 42 U.S.C. § 1396b(v)(1)-(3) (2025).

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The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. To arrange for the delivery of documents, or to ask any related follow-up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

James Comer
Chairman
Committee on Oversight and Government Reform

cc: The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform