

119TH CONGRESS
1ST SESSION

S. _____

To expand access to health insurance coverage for immigrants and their families by removing legal and policy barriers to health insurance coverage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To expand access to health insurance coverage for immigrants and their families by removing legal and policy barriers to health insurance coverage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Equity and
5 Access under the Law for Immigrant Families Act of
6 2025”.

7 **SEC. 2. PURPOSE.**

8 It is the purpose of this Act to—

1 (1) ensure that all individuals who are lawfully
2 present in the United States are eligible for all Fed-
3 erally funded health care programs;

4 (2) advance the ability of undocumented indi-
5 viduals to obtain health insurance coverage through
6 the health insurance exchanges established under
7 part II of the Patient Protection and Affordable
8 Care Act, Public Law 111–148;

9 (3) eliminate the authority for States to restrict
10 Medicaid eligibility for lawful permanent residents;
11 and

12 (4) eliminate other barriers to accessing Med-
13 icaid, CHIP, and other medical assistance.

14 **SEC. 3. REMOVING BARRIERS TO HEALTH COVERAGE FOR**
15 **LAWFULLY RESIDING INDIVIDUALS.**

16 (a) MEDICAID.—Section 1903(v)(4) of the Social Se-
17 curity Act (42 U.S.C. 1396b(v)(4)) is amended—

18 (1) by amending subparagraph (A) to read as
19 follows:

20 “(A) Notwithstanding sections 401(a),
21 402(b), 403, and 421 of the Personal Responsi-
22 bility and Work Opportunity Reconciliation Act
23 of 1996, a State shall provide medical assist-
24 ance under this title, to individuals who are
25 lawfully residing in the United States (including

1 individuals described in paragraph (1), battered
2 individuals described in section 431(c) of such
3 Act, and individuals with an approved or pend-
4 ing application for deferred action or other Fed-
5 erally authorized presence), if they otherwise
6 meet the eligibility requirements for medical as-
7 sistance under the State plan approved under
8 this title (other than the requirement of the re-
9 ceipt of aid or assistance under title IV, supple-
10 mental security income benefits under title
11 XVI, or a State supplementary payment).”;

12 (2) by amending subparagraph (B) to read as
13 follows:

14 “(B) No debt shall accrue under an affi-
15 davit of support against any sponsor of an indi-
16 vidual provided medical assistance under sub-
17 paragraph (A) on the basis of provision of as-
18 sistance to such individual and the cost of such
19 assistance shall not be considered as an unreim-
20 bursed cost.”; and

21 (3) in subparagraph (C)—

22 (A) by striking “an election by the State
23 under subparagraph (A)” and inserting “the
24 application of subparagraph (A)”;

1 (B) by inserting “or be lawfully present”
2 after “lawfully reside”; and

3 (C) by inserting “or present” after “law-
4 fully residing” each place it appears.

5 (b) CHIP.—Subparagraph (P) of section 2107(e)(1)
6 of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is
7 amended to read as follows:

8 “(P) Paragraph (4) of section 1903(v) (re-
9 lating to lawfully present individuals and un-
10 documented immigrants).”.

11 (c) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendments made by this section
14 shall take effect on the date of enactment of this Act
15 and shall apply to services furnished on or after the
16 date that is 90 days after such date of enactment.

17 (2) EXCEPTION IF STATE LEGISLATION RE-
18 QUIRED.—In the case of a State plan for medical as-
19 sistance under title XIX, or a State child health plan
20 under title XXI, of the Social Security Act which the
21 Secretary of Health and Human Services determines
22 requires State legislation (other than legislation ap-
23 propriating funds) in order for the plan to meet the
24 additional requirements imposed by the amendments
25 made by this section, the respective State plan shall

1 not be regarded as failing to comply with the re-
2 quirements of such title solely on the basis of its
3 failure to meet these additional requirements before
4 the first day of the first calendar quarter beginning
5 after the close of the first regular session of the
6 State legislature that begins after the date of enact-
7 ment of this Act. For purposes of the previous sen-
8 tence, in the case of a State that has a 2-year legis-
9 lative session, each year of such session shall be
10 deemed to be a separate regular session of the State
11 legislature.

12 **SEC. 4. CONSISTENCY IN HEALTH INSURANCE COVERAGE**
13 **FOR INDIVIDUALS WITH FEDERALLY AU-**
14 **THORIZED PRESENCE, INCLUDING DE-**
15 **FERRED ACTION.**

16 (a) IN GENERAL.—For purposes of eligibility under
17 any of the provisions described in subsection (b), all indi-
18 viduals granted Federally authorized presence in the
19 United States shall be considered to be lawfully present
20 in the United States.

21 (b) PROVISIONS DESCRIBED.—The provisions de-
22 scribed in this subsection are the following:

23 (1) EXCHANGE ELIGIBILITY.—Section 1411 of
24 the Patient Protection and Affordable Care Act (42
25 U.S.C. 18031).

1 (2) REDUCED COST-SHARING ELIGIBILITY.—
2 Section 1402 of the Patient Protection and Afford-
3 able Care Act (42 U.S.C. 18071).

4 (3) PREMIUM SUBSIDY ELIGIBILITY.—Section
5 36B of the Internal Revenue Code of 1986 (26
6 U.S.C. 36B).

7 (4) MEDICAID AND CHIP ELIGIBILITY.—Titles
8 XIX and XXI of the Social Security Act, including
9 under section 1903(v) of such Act (42 U.S.C.
10 1396b(v)).

11 (c) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Subsection (a) shall take ef-
13 fect on the date of enactment of this Act.

14 (2) TRANSITION THROUGH SPECIAL ENROLL-
15 MENT PERIOD.—In the case of an individual de-
16 scribed in subsection (a) who, before the first day of
17 the first annual open enrollment period under sub-
18 paragraph (B) of section 1311(c)(6) of the Patient
19 Protection and Affordable Care Act (42 U.S.C.
20 18031(c)(6)) beginning after the date of enactment
21 of this Act, is granted Federally authorized presence
22 in the United States and who, as a result of such
23 subsection, qualifies for a subsidy under a provision
24 described in paragraph (2) or (3) of subsection (b),
25 the Secretary of Health and Human Services shall

1 establish a special enrollment period under subpara-
2 graph (C) of such section 1311(c)(6) during which
3 such individual may enroll in qualified health plans
4 through Exchanges under title I of the Patient Pro-
5 tection and Affordable Care Act and qualify for such
6 a subsidy. For such an individual who has been
7 granted Federally authorized presence in the United
8 States as of the date of enactment of this Act, such
9 special enrollment period shall begin not later than
10 90 days after such date of enactment. Nothing in
11 this paragraph shall be construed as affecting the
12 authority of the Secretary to establish additional
13 special enrollment periods under such subparagraph
14 (C).

15 **SEC. 5. REMOVING CITIZENSHIP AND IMMIGRATION BAR-**
16 **RIERS TO ACCESS TO AFFORDABLE HEALTH**
17 **CARE UNDER THE ACA.**

18 (a) IN GENERAL.—

19 (1) PREMIUM TAX CREDITS.—Section 36B of
20 the Internal Revenue Code of 1986 is amended—

21 (A) in subsection (c)(1)(B)—

22 (i) by amending the heading to read
23 as follows: “SPECIAL RULE FOR CERTAIN
24 INDIVIDUALS INELIGIBLE FOR MEDICAID
25 DUE TO STATUS”; and

1 (ii) by amending clause (ii) to read as
2 follows:

3 “(ii) the taxpayer is a noncitizen who
4 is not eligible for the Medicaid program
5 under title XIX of the Social Security Act
6 by reason of the individual’s immigration
7 status,”; and

8 (B) by striking subsection (e).

9 (2) COST-SHARING REDUCTIONS.—Section 1402
10 of the Patient Protection and Affordable Care Act
11 (42 U.S.C. 18071) is amended by striking sub-
12 section (e) and redesignating subsection (f) as sub-
13 section (e).

14 (3) BASIC HEALTH PROGRAM ELIGIBILITY.—
15 Section 1331(e)(1)(B) of the Patient Protection and
16 Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is
17 amended by striking “lawfully present in the United
18 States,”.

19 (4) RESTRICTIONS ON FEDERAL PAYMENTS.—
20 Section 1412 of the Patient Protection and Afford-
21 able Care Act (42 U.S.C. 18082) is amended by
22 striking subsection (d) and redesignating subsection
23 (e) as subsection (d).

24 (5) REQUIREMENT TO MAINTAIN MINIMUM ES-
25 SENTIAL COVERAGE.—Subsection (d) of section

1 5000A of the Internal Revenue Code of 1986 is
2 amended by striking paragraph (3) and by redesignig-
3 nating paragraph (4) as paragraph (3).

4 (b) CONFORMING AMENDMENTS.—

5 (1) ESTABLISHMENT OF PROGRAM.—Section
6 1411(a) of the Patient Protection and Affordable
7 Care Act (42 U.S.C. 18081(a)) is amended by strik-
8 ing paragraph (1) and redesignating paragraphs (2),
9 (3), and (4) as paragraphs (1), (2), and (3), respec-
10 tively.

11 (2) QUALIFIED INDIVIDUALS.—Section 1312(f)
12 of the Patient Protection and Affordable Care Act
13 (42 U.S.C. 18032(f)) is amended—

14 (A) in the heading, by striking “; ACCESS
15 LIMITED TO CITIZENS AND LAWFUL RESI-
16 DENTS”; and

17 (B) by striking paragraph (3).

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to years, plan years, and taxable
20 years, as applicable, beginning after December 31, 2025.

21 **SEC. 6. STATE OPTION TO EXPAND MEDICAID AND CHIP TO**
22 **INDIVIDUALS WITHOUT LAWFUL PRESENCE.**

23 (a) MEDICAID.—

1 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)
2 of the Social Security Act (42 U.S.C.
3 1396a(a)(10)(A)(ii)) is amended—

4 (A) in subclause (XXII), by striking “or”
5 at the end;

6 (B) in subclause (XXIII), by striking the
7 semicolon and inserting “; or”; and

8 (C) by adding at the end the following new
9 subclause:

10 “(XXIV) who would be eligible
11 under the State plan (or waiver of
12 such plan) under this title if they were
13 citizens of the United States;”.

14 (2) CONFORMING AMENDMENT.—Section
15 1905(a) of the Social Security Act (42 U.S.C.
16 1396d(a)) is amended, in the matter preceding para-
17 graph (1)—

18 (A) in the matter designated as clause
19 (xvi), by striking “or” at the end;

20 (B) in the matter designated as clause
21 (xvii), by adding “or” at the end; and

22 (C) by inserting after the matter des-
23 ignated as clause (xvii) the following:

24 “(xviii) individuals described in section
25 1902(a)(10)(A)(ii)(XXIV),”.

1 (b) CHIP.—Title XXI of the Social Security Act (42
2 U.S.C. 1397aa et seq.) is amended by inserting after sec-
3 tion 2112 the following new section:

4 **“SEC. 2112A. STATE OPTION TO PROVIDE COVERAGE FOR**
5 **INDIVIDUALS WITHOUT LAWFUL PRESENCE.**

6 “A State may elect through an amendment to its
7 State child health plan under section 2102 to treat an in-
8 dividual as a targeted low-income child or a targeted low-
9 income pregnant woman for purposes of this title if such
10 individual would otherwise be included as such a child or
11 such a pregnant woman (as applicable) under such plan
12 if the individual were a citizen of the United States.”.

13 (c) NONAPPLICATION OF ELIGIBILITY PROHIBI-
14 TION.—Section 401(a) of the Personal Responsibility and
15 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.
16 1611(a)) is amended by adding at the end the following
17 new sentence: “The preceding sentence shall not apply
18 with respect to a noncitizen’s eligibility under a State plan
19 (or waiver of such plan) under title XIX of the Social Se-
20 curity Act or under a State child health plan (or waiver
21 of such plan) under title XXI of such Act to the extent
22 that such State has elected to make such individual so
23 eligible pursuant to section 1902(a)(10)(A)(ii)(XXIV) or
24 2112A of such Act, respectively.”.

1 **SEC. 7. PRESERVING ACCESS TO COVERAGE.**

2 (a) IN GENERAL.—Nothing in this Act, including the
3 amendments made by this Act, shall prevent lawfully
4 present noncitizens who are ineligible for full benefits
5 under the Medicaid program under title XIX of the Social
6 Security Act from securing a credit for which such lawfully
7 present noncitizens would be eligible under section
8 36B(c)(1)(B) of the Internal Revenue Code of 1986 and
9 under the Medicaid provisions for lawfully present nonciti-
10 zens, as in effect on the date prior to the date of enact-
11 ment of this Act.

12 (b) DEFINITION.—For purposes of subsection (a),
13 the term “full benefits” means, with respect to an indi-
14 vidual and State, medical assistance for all services cov-
15 ered under the State plan under title XIX of the Social
16 Security Act that is not less in amount, duration, or scope,
17 or is determined by the Secretary of Health and Human
18 Services to be substantially equivalent to the medical as-
19 sistance available for an individual described in section
20 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.
21 1396a(a)(10)(A)(i)).

22 **SEC. 8. REMOVING BARRIERS TO HEALTH COVERAGE FOR**
23 **LAWFULLY PRESENT INDIVIDUALS IN MEDI-**
24 **CARE.**

25 (a) PART A.—Section 1818(a)(3) of the Social Secu-
26 rity Act (42 U.S.C. 1395i–2(a)(3)) is amended by striking

1 “an alien” and all that follows through “under this sec-
2 tion” and inserting “an individual who is lawfully present
3 (as defined in section 8(c) of the ‘Health Equity and Ac-
4 cess under the Law for Immigrant Families Act of 2025’)
5 in the United States, including an individual with an ap-
6 proved or pending application for deferred action or other
7 Federally authorized presence”.

8 (b) PART B.—Section 1836(a)(2) of the Social Secu-
9 rity Act (42 U.S.C. 1395o(a)(2)) is amended by striking
10 “an alien” and all that follows through “under this part”
11 and inserting “an individual who is lawfully present (as
12 defined in section 8(c) of the ‘Health Equity and Access
13 under the Law for Immigrant Families Act of 2025’) in
14 the United States, including an individual with an ap-
15 proved or pending application for deferred action or other
16 Federally authorized presence”.

17 (c) LAWFULLY PRESENT DEFINED.—The term “law-
18 fully present” shall include, at a minimum, all immigra-
19 tion categories that are treated as lawfully present for pur-
20 poses of the title XIX program as amended by section 3.