

119TH CONGRESS
1ST SESSION

H. R. 4104

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 HOUSE OF REPRESENTATIVES

JUNE 24, 2025

Ms. JAYAPAL (for herself, Ms. BARRAGÁN, Ms. BALINT, Mr. BEYER, Ms. BONAMICI, Mr. CARBAJAL, Mr. CARSON, Mr. CARTER of Louisiana, Mr. CASAR, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mrs. CHERFILUS-McCORMICK, Ms. CHU, Ms. CROCKETT, Ms. DELBENE, Ms. DEXTER, Mr. DOGGETT, Mr. ESPAILLAT, Mr. FROST, Mr. GARCÍA of Illinois, Mr. GARCIA of California, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. HUFFMAN, Mr. JACKSON of Illinois, Ms. JACOBS, Mr. JOHNSON of Georgia, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. LEGER FERNANDEZ, Ms. McCLELLAN, Mr. McGOVERN, Ms. MOORE of Wisconsin, Mr. NADLER, Ms. NORTON, Ms. OMAR, Mr. PANETTA, Mr. POCAN, Ms. PRESSLEY, Mrs. RAMIREZ, Ms. SALINAS, Ms. SCHAKOWSKY, Ms. SEWELL, Ms. SIMON, Ms. STANSBURY, Ms. STRICKLAND, Mr. THANEDAR, Ms. TLAIB, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. LIEU, and Ms. SÁNCHEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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—

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

12 (2) advance the ability of undocumented indi-
13 viduals to obtain health insurance coverage through
14 the health insurance exchanges established under
15 part II of the Patient Protection and Affordable
16 Care Act, Public Law 111–148;

17 (3) eliminate the authority for States to restrict
18 Medicaid eligibility for lawful permanent residents;
19 and

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

22 **SEC. 3. REMOVING BARRIERS TO HEALTH COVERAGE FOR**
23 **LAWFULLY RESIDING INDIVIDUALS.**

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

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

3 “(A) Notwithstanding sections 401(a),
4 402(b), 403, and 421 of the Personal Responsi-
5 bility and Work Opportunity Reconciliation Act
6 of 1996, a State shall provide medical assist-
7 ance under this title, to individuals who are
8 lawfully residing in the United States (including
9 individuals described in paragraph (1), battered
10 individuals described in section 431(c) of such
11 Act, and individuals with an approved or pend-
12 ing application for deferred action or other Fed-
13 erally authorized presence), if they otherwise
14 meet the eligibility requirements for medical as-
15 sistance under the State plan approved under
16 this title (other than the requirement of the re-
17 ceipt of aid or assistance under title IV, supple-
18 mental security income benefits under title
19 XVI, or a State supplementary payment).”;

20 (2) by amending subparagraph (B) to read as
21 follows:

22 “(B) No debt shall accrue under an affi-
23 davit of support against any sponsor of an indi-
24 vidual provided medical assistance under sub-
25 paragraph (A) on the basis of provision of as-

1 sistance to such individual and the cost of such
 2 assistance shall not be considered as an unreim-
 3 bursed cost.”; and

4 (3) in subparagraph (C)—

5 (A) by striking “an election by the State
 6 under subparagraph (A)” and inserting “the
 7 application of subparagraph (A)”;

8 (B) by inserting “or be lawfully present”
 9 after “lawfully reside”; and

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

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

15 “(P) Paragraph (4) of section 1903(v) (re-
 16 lating to lawfully present individuals and un-
 17 documented immigrants).”.

18 (c) EFFECTIVE DATE.—

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

24 (2) EXCEPTION IF STATE LEGISLATION RE-
 25 QUIRED.—In the case of a State plan for medical as-

1 sistance under title XIX, or a State child health plan
2 under title XXI, of the Social Security Act which the
3 Secretary of Health and Human Services determines
4 requires State legislation (other than legislation ap-
5 propriating funds) in order for the plan to meet the
6 additional requirements imposed by the amendments
7 made by this section, the respective State plan shall
8 not be regarded as failing to comply with the re-
9 quirements of such title solely on the basis of its
10 failure to meet these additional requirements before
11 the first day of the first calendar quarter beginning
12 after the close of the first regular session of the
13 State legislature that begins after the date of enact-
14 ment of this Act. For purposes of the previous sen-
15 tence, in the case of a State that has a 2-year legis-
16 lative session, each year of such session shall be
17 deemed to be a separate regular session of the State
18 legislature.

19 **SEC. 4. CONSISTENCY IN HEALTH INSURANCE COVERAGE**
20 **FOR INDIVIDUALS WITH FEDERALLY AU-**
21 **THORIZED PRESENCE, INCLUDING DE-**
22 **FERRED ACTION.**

23 (a) IN GENERAL.—For purposes of eligibility under
24 any of the provisions described in subsection (b), all indi-
25 viduals granted Federally authorized presence in the

1 United States shall be considered to be lawfully present
2 in the United States.

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

5 (1) EXCHANGE ELIGIBILITY.—Section 1411 of
6 the Patient Protection and Affordable Care Act (42
7 U.S.C. 18031).

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

11 (3) PREMIUM SUBSIDY ELIGIBILITY.—Section
12 36B of the Internal Revenue Code of 1986 (26
13 U.S.C. 36B).

14 (4) MEDICAID AND CHIP ELIGIBILITY.—Titles
15 XIX and XXI of the Social Security Act, including
16 under section 1903(v) of such Act (42 U.S.C.
17 1396b(v)).

18 (c) EFFECTIVE DATE.—

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

21 (2) TRANSITION THROUGH SPECIAL ENROLL-
22 MENT PERIOD.—In the case of an individual de-
23 scribed in subsection (a) who, before the first day of
24 the first annual open enrollment period under sub-
25 paragraph (B) of section 1311(c)(6) of the Patient

1 Protection and Affordable Care Act (42 U.S.C.
2 18031(c)(6)) beginning after the date of enactment
3 of this Act, is granted Federally authorized presence
4 in the United States and who, as a result of such
5 subsection, qualifies for a subsidy under a provision
6 described in paragraph (2) or (3) of subsection (b),
7 the Secretary of Health and Human Services shall
8 establish a special enrollment period under subpara-
9 graph (C) of such section 1311(c)(6) during which
10 such individual may enroll in qualified health plans
11 through Exchanges under title I of the Patient Pro-
12 tection and Affordable Care Act and qualify for such
13 a subsidy. For such an individual who has been
14 granted Federally authorized presence in the United
15 States as of the date of enactment of this Act, such
16 special enrollment period shall begin not later than
17 90 days after such date of enactment. Nothing in
18 this paragraph shall be construed as affecting the
19 authority of the Secretary to establish additional
20 special enrollment periods under such subparagraph
21 (C).

22 **SEC. 5. REMOVING CITIZENSHIP AND IMMIGRATION BAR-**
23 **RIERS TO ACCESS TO AFFORDABLE HEALTH**
24 **CARE UNDER THE ACA.**

25 (a) IN GENERAL.—

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

3 (A) in subsection (c)(1)(B)—

4 (i) by amending the heading to read
5 as follows: “SPECIAL RULE FOR CERTAIN
6 INDIVIDUALS INELIGIBLE FOR MEDICAID
7 DUE TO STATUS”; and

8 (ii) by amending clause (ii) to read as
9 follows:

10 “(ii) the taxpayer is a noncitizen who
11 is not eligible for the Medicaid program
12 under title XIX of the Social Security Act
13 by reason of the individual’s immigration
14 status,”; and

15 (B) by striking subsection (e).

16 (2) COST-SHARING REDUCTIONS.—Section 1402
17 of the Patient Protection and Affordable Care Act
18 (42 U.S.C. 18071) is amended by striking sub-
19 section (e) and redesignating subsection (f) as sub-
20 section (e).

21 (3) BASIC HEALTH PROGRAM ELIGIBILITY.—
22 Section 1331(e)(1)(B) of the Patient Protection and
23 Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is
24 amended by striking “lawfully present in the United
25 States,”.

1 (4) RESTRICTIONS ON FEDERAL PAYMENTS.—
2 Section 1412 of the Patient Protection and Afford-
3 able Care Act (42 U.S.C. 18082) is amended by
4 striking subsection (d) and redesignating subsection
5 (e) as subsection (d).

6 (5) REQUIREMENT TO MAINTAIN MINIMUM ES-
7 SENTIAL COVERAGE.—Subsection (d) of section
8 5000A of the Internal Revenue Code of 1986 is
9 amended by striking paragraph (3) and by redesign-
10 nating paragraph (4) as paragraph (3).

11 (b) CONFORMING AMENDMENTS.—

12 (1) ESTABLISHMENT OF PROGRAM.—Section
13 1411(a) of the Patient Protection and Affordable
14 Care Act (42 U.S.C. 18081(a)) is amended by strik-
15 ing paragraph (1) and redesignating paragraphs (2),
16 (3), and (4) as paragraphs (1), (2), and (3), respec-
17 tively.

18 (2) QUALIFIED INDIVIDUALS.—Section 1312(f)
19 of the Patient Protection and Affordable Care Act
20 (42 U.S.C. 18032(f)) is amended—

21 (A) in the heading, by striking “; ACCESS
22 LIMITED TO CITIZENS AND LAWFUL RESI-
23 DENTS”; and

24 (B) by striking paragraph (3).

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

4 **SEC. 6. STATE OPTION TO EXPAND MEDICAID AND CHIP TO**
 5 **INDIVIDUALS WITHOUT LAWFUL PRESENCE.**

6 (a) MEDICAID.—

7 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)
 8 of the Social Security Act (42 U.S.C.
 9 1396a(a)(10)(A)(ii)) is amended—

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

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

14 (C) by adding at the end the following new
 15 subclause:

16 “(XXIV) who would be eligible
 17 under the State plan (or waiver of
 18 such plan) under this title if they were
 19 citizens of the United States;”.

20 (2) CONFORMING AMENDMENT.—Section
 21 1905(a) of the Social Security Act (42 U.S.C.
 22 1396d(a)) is amended, in the matter preceding para-
 23 graph (1)—

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

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

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

5 “(xviii) individuals described in section
6 1902(a)(10)(A)(ii)(XXIV),”.

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

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

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

19 (c) NONAPPLICATION OF ELIGIBILITY PROHIBI-
20 TION.—Section 401(a) of the Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.
22 1611(a)) is amended by adding at the end the following
23 new sentence: “The preceding sentence shall not apply
24 with respect to a noncitizen’s eligibility under a State plan
25 (or waiver of such plan) under title XIX of the Social Se-

1 curity Act or under a State child health plan (or waiver
 2 of such plan) under title XXI of such Act to the extent
 3 that such State has elected to make such individual so
 4 eligible pursuant to section 1902(a)(10)(A)(ii)(XXIV) or
 5 2112A of such Act, respectively.”.

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

7 (a) IN GENERAL.—Nothing in this Act, including the
 8 amendments made by this Act, shall prevent lawfully
 9 present noncitizens who are ineligible for full benefits
 10 under the Medicaid program under title XIX of the Social
 11 Security Act from securing a credit for which such lawfully
 12 present noncitizens would be eligible under section
 13 36B(c)(1)(B) of the Internal Revenue Code of 1986 and
 14 under the Medicaid provisions for lawfully present nonciti-
 15 zens, as in effect on the date prior to the date of enact-
 16 ment of this Act.

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

1 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.
2 1396a(a)(10)(A)(i)).

3 **SEC. 8. REMOVING BARRIERS TO HEALTH COVERAGE FOR**
4 **LAWFULLY PRESENT INDIVIDUALS IN MEDI-**
5 **CARE.**

6 (a) PART A.—Section 1818(a)(3) of the Social Secu-
7 rity Act (42 U.S.C. 1395i–2(a)(3)) is amended by striking
8 “an alien” and all that follows through “under this sec-
9 tion” and inserting “an individual who is lawfully present
10 (as defined in section 8(c) of the ‘Health Equity and Ac-
11 cess under the Law for Immigrant Families Act of 2025’)
12 in the United States, including an individual with an ap-
13 proved or pending application for deferred action or other
14 Federally authorized presence”.

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

24 (c) **LAWFULLY PRESENT DEFINED.**—The term “law-
25 fully present” shall include, at a minimum, all immigra-

1 tion categories that are treated as lawfully present for pur-
2 poses of the title XIX program as amended by section 3.

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