

**Health Equity and Access under the Law (HEAL) for Immigrant Families Act of 2023**  
**Introduced by Congresswoman Pramila Jayapal and Nanette Diaz Barragán &**  
**Senator Cory Booker**  
**Section-by-Section Summary**

*Sec. 1. Short title.*

- Sets forth the short title of the bill as the “HEAL for Immigrant Families Act of 2023.”

*Sec. 2. Findings; purpose.*

- Highlights the findings that led to the development of the HEAL for Immigrant Families Act, including that health insurance coverage reduces harmful racial, economic, gender, and health inequities.
- The purpose of this Act is to ensure that all individuals who are lawfully present in the United States are eligible for federally funded health care programs, that all individuals regardless of their immigration status have access to health coverage under the Affordable Care Act (ACA), to eliminate the authority for states to restrict Medicaid eligibility for lawful permanent residents, and to eliminate other barriers to accessing Medicaid, CHIP, and other medical assistance.

*Sec. 3. Removing Barriers to Health Coverage for Lawfully Residing Individuals.*

- Makes Medicaid and CHIP available to otherwise eligible individuals lawfully residing in the United States, including battered individuals and persons with a pending or approved application for deferred action or other federally authorized presence.
- Barriers to Medicaid and CHIP eligibility imposed by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 are removed, including the 5-year waiting period on eligibility.
- Removes barriers related to sponsor deeming and liability in the Medicaid and CHIP programs.
- If state legislation is required (other than appropriations), states will have additional time to comply.

*Sec. 4. Consistency in Health Insurance Coverage for Individuals with Federally Authorized Presence, Including Deferred Action.*

- Establishes that all individuals with federally authorized presence in the United States will be considered lawfully present for the purposes of eligibility for Medicaid, CHIP, and the ACA exchanges (including eligibility for reduced-cost sharing and premium subsidies).
- A special enrollment period for newly eligible individuals to secure coverage in the ACA exchanges due to the provisions of this section shall begin no later than 90 days after the enactment of this Act.

*Sec 5. Removing Citizenship and Immigration Barriers to Access to Affordable Care Under the ACA.*

- Provides eligibility to individuals regardless of immigration status for the ACA’s premium tax credits, cost-sharing reductions and Basic Health Programs.
- Removes restrictions on federal payments for individuals who are not lawfully present and requires that minimum essential coverage be maintained (although Congress’ reduction of the penalty to \$0 in a prior tax bill effectively negates the coverage mandate).
- Preserves access to premium tax credits for lawfully present individuals who do not qualify for Medicaid by reason of their immigration status.

*Sec 6. State Option to Expand Medicaid and CHIP to Individuals Without Lawful Presence.*

- Allows states the opportunity to extend Medicaid and CHIP eligibility to individuals who are not lawfully present.

*Sec 7. Preserving Access to Coverage.*

- Ensures that lawfully present individuals ineligible for full Medicaid benefits are not prevented from securing a credit for which they would be eligible under existing law, if their household income is under 100% of the federal poverty line.

*Sec 8. Removing Barriers to Health Coverage for Lawfully Present Individuals in Medicare.*

- Ensures that individuals who are lawfully present and otherwise eligible can get full Medicare benefits under Parts A and B.

\*sections highlighted in red are new in 118th Congress