

**AMENDMENT TO THE  
SENATE AMENDMENT TO H.R. 1**

**OFFERED BY MR. GOMEZ OF CALIFORNIA**

At the appropriate place in title XI, insert the following:

**SEC. \_\_. INCREASE IN ELIGIBILITY FOR CREDIT.**

(a) IN GENERAL.—Section 36B(c)(1)(A) is amended by striking “but does not exceed 400 percent” .

(b) APPLICABLE PERCENTAGES.—

(1) IN GENERAL.—Section 36B(b)(3)(A) is amended to read as follows:

“(A) APPLICABLE PERCENTAGE.—

“(i) IN GENERAL.—In the case of a specified family taxpayer, the applicable percentage for any taxable year shall be the percentage such that the applicable percentage for any taxpayer whose household income is within an income tier specified in the following table shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier:

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150 percent	0	0
150 percent up to 200 percent	0	2.0
200 percent up to 250 percent	2.0	4.0
250 percent up to 300 percent	4.0	6.0
300 percent up to 400 percent	6.0	8.5
400 percent and higher	8.5	8.5.

“(ii) SPECIFIED FAMILY TAXPAYER.—For purposes of this subparagraph, the term ‘specified family taxpayer’ means any taxpayer—

“(I) who is pregnant during the taxable year, or

“(II) of whom a qualifying child is a dependent under section 152 for the taxable year.”.

**(2) CONFORMING AMENDMENTS RELATING TO AFFORDABILITY OF COVERAGE.—**

(A) Paragraph (1) of section 36B(c) is amended by striking subparagraph (E).

(B) Subparagraph (C) of section 36B(c)(2) is amended by striking clause (iv).

(C) Paragraph (4) of section 36B(c) is amended by striking subparagraph (F).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2025.

**SEC. \_\_. EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.**

(a) IN GENERAL.—Section 36B is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) SPECIAL RULES FOR FAMILIES.—In the case of a specified family taxpayer (as defined in subsection (b)(3)(A)(ii))—

“(1) ELIGIBILITY FOR CREDIT NOT LIMITED BASED ON INCOME.—Subsection (c)(1)(A) shall be applied without regard to ‘equals or exceeds 100 percent but’.

“(2) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—In the case of an individual whose household

income does not exceed 138 percent of the poverty line for a family of the size involved, clause (i) of subsection (c)(2)(C) shall be applied (including in the case of any individual described in the last sentence of such clause) without regard to subclause (II) thereof.

“(3) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—A qualified small employer health reimbursement arrangement shall not be treated as constituting affordable coverage for an employee (or any spouse or dependent of such employee) for any months of a taxable year if the employee’s household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

“(4) CREDIT ALLOWED FOR TAXPAYERS LOSING MEDICAID COVERAGE.—In the case of an individual who—

“(A) prior to the date of the enactment of this Act is eligible for the Medicaid program under title XIX of the Social Security Act, and

“(B) after the date of such enactment (and by reason thereof) is not,

such individual shall be treated as applicable taxpayer for purposes of this section and, in the case of an individual lawfully present, shall not be subject to reduction in the credit under subsection (e).

“(5) LIMITATIONS ON RECAPTURE.—

“(A) IN GENERAL.—In the case of a taxpayer whose household income is less than 200 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subsection (f)(2)(A) shall in no event exceed \$300 (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

“(B) LIMITATION ON INCREASE FOR CERTAIN NON-FILERS.—In the case of any taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to reconcile advance credit payments under subsection (f), if an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that—

“(i) such taxpayer is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

“(ii) such taxpayer’s household income for such taxable year is projected not to exceed 138 percent of the poverty line for a family of the size involved,

subsection (f)(2)(A) shall not apply to such taxpayer for such taxable year and such taxpayer shall not be required to file such return of tax.

“(C) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an Exchange to the Secretary and to the taxpayer under subsection (f)(3) shall include such information as is necessary to determine whether such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.

“(6) COVERAGE TO INCLUDE COST SHARING AND HEALTH BENEFITS SIMILAR TO MEDICAID.—The Secretary (in consultation with the Secretary of Health and Human Services) shall prescribe such rules as may be necessary or appropriate to ensure that individuals to whom paragraphs (1), (2), (3), or (4) apply have access to health plans on the Exchange with cost sharing and essential health benefits at least commensurate with the Medicaid program under title XIX of the Social Security Act.”.

(b) EMPLOYER SHARED RESPONSIBILITY PROVISION NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS

RECEIVING PREMIUM ASSISTANCE.—Section 4980H(c)(3) is amended to read as follows:

“(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—

“(A) IN GENERAL.—The term ‘applicable premium tax credit and cost-sharing reduction’ means—

“(i) any premium tax credit allowed under section 36B,

“(ii) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

“(iii) any advance payment of such credit or reduction under section 1412 of such Act.

“(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee with respect to which—

“(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee’s household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved, or

“(ii) such employee’s household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2025.