

AMENDMENT
OFFERED BY MS. SEWELL OF ALABAMA

At the appropriate place, insert the following:

1 **SEC. ____.** **EXPANSION OF HEALTH INSURANCE PREMIUM**
2 **TAX CREDITS FOR CERTAIN LOW-INCOME**
3 **POPULATIONS.**

4 (a) IN GENERAL.—Section 36B is amended by redes-
5 ignating subsection (h) as subsection (i) and by inserting
6 after subsection (g) the following new subsection:

7 “(h) SPECIAL RULES FOR LOW-INCOME POPU-
8 LATIONS.—

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

13 “(2) CREDIT ALLOWED TO CERTAIN LOW-IN-
14 COME EMPLOYEES OFFERED EMPLOYER-PROVIDED
15 COVERAGE.—In the case of an individual whose
16 household income does not exceed 138 percent of the
17 poverty line for a family of the size involved, clause
18 (i) of subsection (c)(2)(C) shall be applied (including
19 in the case of any individual described in the last

1 sentence of such clause) without regard to subclause
2 (II) thereof.

3 “(3) CREDIT ALLOWED TO CERTAIN LOW-IN-
4 COME EMPLOYEES OFFERED QUALIFIED SMALL EM-
5 PLOYER HEALTH REIMBURSEMENT ARRANGE-
6 MENTS.—A qualified small employer health reim-
7 bursement arrangement shall not be treated as con-
8 stituting affordable coverage for an employee (or any
9 spouse or dependent of such employee) for any
10 months of a taxable year if the employee’s household
11 income for such taxable year does not exceed 138
12 percent of the poverty line for a family of the size
13 involved.

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

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

20 “(B) after the date of such enactment (and
21 by reason thereof) is not,
22 such individual shall be treated as applicable tax-
23 payer for purposes of this section and, in the case
24 of an individual lawfully present, shall not be subject
25 to reduction in the credit under subsection (e).

1 “(5) LIMITATIONS ON RECAPTURE.—

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

11 “(B) LIMITATION ON INCREASE FOR CER-
12 TAIN NON-FILERS.—In the case of any taxpayer
13 who would not be required to file a return of
14 tax for the taxable year but for any require-
15 ment to reconcile advance credit payments
16 under subsection (f), if an Exchange established
17 under title I of the Patient Protection and Af-
18 fordable Care Act has determined that—

19 “(i) such taxpayer is eligible for ad-
20 vance payments under section 1412 of
21 such Act for any portion of such taxable
22 year, and

23 “(ii) such taxpayer’s household in-
24 come for such taxable year is projected not

1 to exceed 138 percent of the poverty line
2 for a family of the size involved,
3 subsection (f)(2)(A) shall not apply to such tax-
4 payer for such taxable year and such taxpayer
5 shall not be required to file such return of tax.

6 “(C) INFORMATION PROVIDED BY EX-
7 CHANGE.—The information required to be pro-
8 vided by an Exchange to the Secretary and to
9 the taxpayer under subsection (f)(3) shall in-
10 clude such information as is necessary to deter-
11 mine whether such Exchange has made the de-
12 terminations described in clauses (i) and (ii) of
13 subparagraph (B) with respect to such tax-
14 payer.

15 “(6) COVERAGE TO INCLUDE COST SHARING
16 AND HEALTH BENEFITS SIMILAR TO MEDICAID.—
17 The Secretary (in consultation with the Secretary of
18 Health and Human Services) shall prescribe such
19 rules as may be necessary or appropriate to ensure
20 that individuals to whom paragraphs (1), (2), (3), or
21 (4) apply have access to health plans on the Ex-
22 change with cost sharing and essential health bene-
23 fits at least commensurate with the Medicaid pro-
24 gram under title XIX of the Social Security Act.”.

1 (b) EMPLOYER SHARED RESPONSIBILITY PROVISION
2 NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-IN-
3 COME TAXPAYERS RECEIVING PREMIUM ASSISTANCE.—

4 Section 4980H(c)(3) is amended to read as follows:

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

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

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

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

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

18 “(B) EXCEPTION WITH RESPECT TO CER-
19 TAIN LOW-INCOME TAXPAYERS.—Such term
20 shall not include any premium tax credit, cost-
21 sharing reduction, or advance payment other-
22 wise described in subparagraph (A) if such
23 credit, reduction, or payment is allowed or paid
24 for a taxable year of an employee with respect
25 to which—

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

8 “(ii) such employee’s household in-
9 come for such taxable year does not exceed
10 138 percent of the poverty line for a family
11 of the size involved.”.

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

