

**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 redес-  
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.

