

112TH CONGRESS
2^D SESSION

H. R. 5909

To improve access to oral health care for vulnerable and underserved populations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2012

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Natural Resources, Veterans' Affairs, and Armed Services, 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 improve access to oral health care for vulnerable and underserved populations.

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 “Comprehensive Dental
5 Reform Act of 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

TITLE I—MEDICARE AND MEDICAID

Subtitle A—Medicare

Sec. 101. Coverage of dental services under the Medicare program.

Subtitle B—Medicaid

Sec. 111. Coverage of dental services under the Medicaid program.

Subtitle C—Grant Programs

Sec. 121. Case management grant program.

TITLE II—PUBLIC HEALTH PROGRAMS

Subtitle A—National Health Service Corps

Sec. 201. National Health Service Corps.

Subtitle B—Oral Health Education

Sec. 211. Authorization of appropriations for oral health education for medical providers.

Sec. 212. Oral health education for other non-health professionals.

Sec. 213. Dental education.

Sec. 214. Oral health professional student loans.

Subtitle C—Other Oral Health Programs

Sec. 221. Access points.

Sec. 222. Dental clinics in schools.

Sec. 223. Emergency room care coordination.

Sec. 224. Research funding.

Sec. 225. Mobile and portable dental services.

TITLE III—DEPARTMENT OF VETERANS AFFAIRS AND
DEPARTMENT OF DEFENSE MATTERS

Subtitle A—Department of Veterans Affairs Matters

Sec. 301. Requiring Secretary of Veterans Affairs to furnish dental care in same manner as any other medical service.

Sec. 302. Demonstration program on training and employment of alternative dental health care providers for dental health care services for veterans in rural and other underserved communities.

Subtitle B—Department of Defense Matters

Sec. 311. Demonstration program on training and employment of alternative dental health care providers for dental health care services for members of the Armed Forces and dependents lacking ready access to such services.

TITLE IV—FEDERAL BUREAU OF PRISONS

Sec. 401. Demonstration program on training and employment of alternative dental health care providers for dental health care services for prisoners within the custody of the Bureau of Prisons.

TITLE V—INDIAN HEALTH SERVICE

Sec. 501. Demonstration program on training and employment of alternative dental health care providers for dental health care services under the Indian Health Service.

TITLE VI—REPORTS TO CONGRESS

Sec. 601. Evaluation of expansion of coverage for dental services.

TITLE VII—FUNDING

Sec. 701. Transaction tax.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

3 (1) The United States must establish a nation-
4 wide and comprehensive approach to address the
5 lack of access to needed dental care and reduce oral
6 health disparities.

7 (2) Since 2000, when the Surgeon General of
8 the United States called dental disease a “silent epi-
9 demic”, there has been increasing but still insuffi-
10 cient attention given to addressing oral health
11 issues. The Healthy People 2020 initiative includes
12 oral health as a leading health indicator for the first
13 time in the history of the Healthy People program,
14 and in 2011, the Institute of Medicine published 2
15 reports, “Improving Access to Oral Health Care for
16 Vulnerable and Underserved Populations” and “Ad-
17 vancing Oral Health in America”, that focused on
18 oral health.

19 (3) Dental caries, commonly known as cavities,
20 are the most common chronic disease for children in

1 the United States, affecting nearly 60 percent of
2 children between 5 and 17 years of age. Addition-
3 ally, 25 percent of American adults who have at-
4 tained 65 years of age have lost all of their teeth.

5 (4) Untreated oral health problems contribute
6 to an increased risk for serious medical conditions
7 such as diabetes, hospital-acquired pneumonia, and
8 poor birth outcomes.

9 (5) More than 47,000,000 individuals reside in
10 areas where it is difficult to access dental care. Only
11 45 percent of Americans over 2 years of age have
12 had a dental visit in the preceding 12 months, and
13 approximately 17,000,000 low-income children go
14 each year without seeing a dentist.

15 (6) While the lack of access to oral health serv-
16 ices is a national problem, those who are most likely
17 to remain underserved are individuals with low in-
18 comes, racial and ethnic minorities, pregnant
19 women, older adults, individuals with special needs,
20 and individuals living in rural communities.

21 (7) Nearly 9,500 additional dental providers are
22 needed in order to meet this Nation's current oral
23 health needs, especially to work in areas where the
24 need for dental care is the greatest. Only 20 percent
25 of practicing dentists in the United States provide

1 care to individuals enrolled in Medicaid, and a very
2 small percentage of dentists devote a substantial
3 part of their practice towards caring for individuals
4 who are underserved.

5 (8) Over 40 percent of the total expenditures on
6 dental care in the United States are out-of-pocket
7 payments by individuals.

8 (9) The Medicare program and the Department
9 of Veterans Affairs do not provide dental coverage to
10 the majority of their beneficiaries, and States can
11 elect whether to provide dental coverage to adults
12 under the Medicaid program.

13 (10) The number of individuals without dental
14 health insurance is 3 times higher than the number
15 of individuals who lack general health insurance.

16 (11) The lack of access to oral health services
17 can be extremely costly, resulting in higher health
18 care expenditures. In 2009, there were over 830,000
19 visits to emergency rooms across the United States
20 for preventable dental conditions, which is 16 per-
21 cent higher than in 2006.

22 (12) According to a report by the Surgeon Gen-
23 eral of the United States, students miss more than
24 51,000,000 hours of school and employed adults lose

1 more than 164,000,000 hours of work each year due
2 to dental disease and dental visits.

3 **TITLE I—MEDICARE AND**
4 **MEDICAID**

5 **Subtitle A—Medicare**

6 **SEC. 101. COVERAGE OF DENTAL SERVICES UNDER THE**
7 **MEDICARE PROGRAM.**

8 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-
9 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

10 (1) in subparagraph (EE), by striking “and”
11 after the semicolon at the end;

12 (2) in subparagraph (FF), by adding “and”
13 after the semicolon at the end; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(GG) dental services (as defined in subsection
17 (iii));”.

18 (b) **DENTAL SERVICES DEFINED.**—Section 1861(s)
19 of the Social Security Act (42 U.S.C. 1395x(s)) is amend-
20 ed by adding at the end the following new subsection:

21 “Dental Services

22 “(iii)(1) The term ‘dental services’ means oral health
23 services (as defined by the Secretary) provided by a li-
24 censed oral health care provider that are necessary to pre-
25 vent disease and promote oral health, restore oral struc-

1 tures to health and function, and treat emergency condi-
2 tions.

3 “(2) For purposes of paragraph (1), such term shall
4 include mobile and portable oral health services (as de-
5 fined by the Secretary) that—

6 “(A) are provided for the purpose of over-
7 coming mobility, transportation, and access barriers
8 for individuals; and

9 “(B) satisfy the standards and certification re-
10 quirements established under section 1902(a)(84)(B)
11 for the State in which the services are provided.”.

12 (c) PAYMENT AND COINSURANCE.—Section
13 1833(a)(1) of the Social Security Act (42 U.S.C.
14 1395l(a)(1)) is amended—

15 (1) by striking “and” before “(Z)”; and

16 (2) by inserting before the semicolon at the end
17 the following: “, and (AA) with respect to dental
18 services (as defined in section 1861(iii)), the amount
19 paid shall be (i) in the case of such services that are
20 dental health preventive services described in para-
21 graph (1)(D) of such section, 100 percent of the
22 lesser of the actual charge for the services or the
23 amount determined under the payment basis deter-
24 mined under section 1848, and (ii) in the case of all
25 other such services, 80 percent of the lesser of the

1 actual charge for the services or the amount deter-
2 mined under the payment basis determined under
3 section 1848”.

4 (d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—
5 Section 1848(j)(3) of the Social Security Act (42 U.S.C.
6 1395w-4(j)(3)) is amended by inserting “(2)(GG),” after
7 “risk assessment),”.

8 (e) DENTURES.—Section 1861(s)(8) of the Social Se-
9 curity Act (42 U.S.C. 1395x(s)(8)) is amended—

10 (1) by striking “(other than dental)” and in-
11 serting “(including dentures)”;

12 (2) by striking “internal body”.

13 (f) REPEAL OF GROUND FOR EXCLUSION.—Section
14 1862(a) of the Social Security Act (42 U.S.C. 1395y) is
15 amended by striking paragraph (12).

16 (g) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to services furnished on or after
18 January 1, 2013.

19 **Subtitle B—Medicaid**

20 **SEC. 111. COVERAGE OF DENTAL SERVICES UNDER THE** 21 **MEDICAID PROGRAM.**

22 (a) IN GENERAL.—Section 1905 of the Social Secu-
23 rity Act (42 U.S.C. 1396d) is amended—

1 (1) in subsection (a)(10), by adding “(as de-
2 scribed in subsection (ee)(1))” after “dental serv-
3 ices”; and

4 (2) by adding at the end the following:

5 “(ee)(1) Subject to paragraphs (2) and (3), for pur-
6 poses of this title, the term ‘dental services’ means oral
7 health services (as defined by the Secretary) provided by
8 a licensed oral health care provider that are necessary to
9 prevent disease and promote oral health, restore oral
10 structures to health and function, and treat emergency
11 conditions.

12 “(2) For purposes of paragraph (1), such term shall
13 include mobile and portable oral health services (as de-
14 fined by the Secretary) that—

15 “(A) are provided for the purpose of over-
16 coming mobility, transportation, and access barriers
17 for individuals; and

18 “(B) satisfy the standards and certification re-
19 quirements established under section 1902(a)(84)(B)
20 for the State in which the services are provided.

21 “(3) For purposes of paragraph (1), such term shall
22 not apply to dental care or services provided to individuals
23 under the age of 21 under subsection (r)(3).”.

24 (b) CONFORMING AMENDMENTS.—Section 1902(a)
25 of such Act (42 U.S.C. 1396a(a)) is amended—

1 (1) in paragraph (10)(A), in the matter pre-
2 ceding clause (i), by inserting “(10),” after “(5),”;

3 (2) in paragraph (82)(C), by striking “and” at
4 the end;

5 (3) in paragraph (83), by striking the period at
6 the end and inserting “; and”; and

7 (4) by inserting after paragraph (83) the fol-
8 lowing:

9 “(84) provide for—

10 “(A) informing, in writing, all individuals
11 who have been determined to be eligible for
12 medical assistance of the availability of dental
13 services (as defined in section 1905(ee)(1)); and

14 “(B) establishing and maintaining stand-
15 ards for and certification of mobile and portable
16 oral health services (as described in subsections
17 (r)(3)(C) and (ee)(2) of section 1905).”.

18 (c) MOBILE AND PORTABLE ORAL HEALTH SERV-
19 ICES UNDER EPSDT.—Section 1905(r)(3) of the Social
20 Security Act (42 U.S.C. 1396d(r)(3)) is amended—

21 (1) in subparagraph (A)(ii), by striking “; and”
22 and inserting a semicolon;

23 (2) in subparagraph (B), by striking the period
24 at the end and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) which shall include mobile and portable
4 oral health services (as defined by the Secretary)
5 that—

6 “(i) are provided for the purpose of over-
7 coming mobility, transportation, or access bar-
8 riers for children; and

9 “(ii) satisfy the standards and certification
10 requirements established under section
11 1902(a)(84)(B) for the State in which the serv-
12 ices are provided.”.

13 (d) INCREASED FEDERAL FUNDING FOR DENTAL
14 SERVICES.—

15 (1) IN GENERAL.—Section 1905 of the Social
16 Security Act (42 U.S.C. 1396d), as amended by sub-
17 section (a), is amended—

18 (A) in subsection (b), in the first sentence,
19 by striking “and (aa)” and inserting “(aa), and
20 (ff)”; and

21 (B) by adding at the end the following new
22 subsection:

23 “(ff) INCREASED FMAP FOR DENTAL SERVICES.—

24 “(1) IN GENERAL.—Notwithstanding subsection
25 (b) and section 1903(a)(7) and subject to the re-

1 requirements described in paragraphs (3) and (4),
2 with respect to amounts expended on or after Octo-
3 ber 1, 2012, for covered dental expenses (as de-
4 scribed in paragraph (2)), the Federal medical as-
5 sistance percentage for a State that is one of the 50
6 States or the District of Columbia for such expenses
7 shall be equal to the Federal medical assistance per-
8 centage that would otherwise apply to the State for
9 the fiscal year, as determined under subsection (b)
10 or section 1903(a)(7), increased by 10 percentage
11 points.

12 “(2) COVERED DENTAL EXPENSES.—For pur-
13 poses of paragraph (1), the term ‘covered dental ex-
14 penses’ means the amounts expended for medical as-
15 sistance for dental services (as described in sub-
16 section (ee)(1)) and amounts expended for the prop-
17 er and efficient administration of the provision of
18 such dental services under the State plan.

19 “(3) REQUIREMENTS.—For purposes of para-
20 graph (1), the Federal medical assistance percentage
21 applicable to covered dental expenses under this sub-
22 section shall not apply to a State unless—

23 “(A) the State plan for medical assistance
24 provides payment for dental services (as so de-
25 fined) furnished by a dental provider at a rate

1 that is not less than 70 percent of the usual
2 and customary fee for such services in the
3 State; and

4 “(B) the State satisfies such additional re-
5 quirements as are established by the Secretary,
6 which shall include—

7 “(i) streamlining of administrative
8 procedures for purposes of ensuring ade-
9 quate provider participation and increasing
10 patient utilization of dental services; and

11 “(ii) the provision of technical assist-
12 ance to dental providers designed to reduce
13 the number of missed patient appoint-
14 ments and eliminate other barriers to the
15 provision of oral health services.

16 “(4) LIMITATION.—For purposes of amounts
17 expended for covered dental services, in no case shall
18 any increase under this subsection result in a Fed-
19 eral medical assistance percentage that exceeds 100
20 percent.”.

21 (2) CONFORMING AMENDMENT.—Section
22 1903(a)(7) of the Social Security Act (42 U.S.C.
23 1396b(a)(7)) is amended by striking “section
24 1919(g)(3)(B)” and inserting “sections 1905(ff) and
25 1919(g)(3)(B)”.

1 (e) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendments made by this section
4 shall apply to calendar quarters beginning on or
5 after January 1, 2013, without regard to whether or
6 not final regulations to carry out such amendments
7 have been promulgated by such date.

8 (2) DELAY PERMITTED FOR STATE PLAN
9 AMENDMENT.—In the case of a State plan for med-
10 ical assistance under title XIX of the Social Security
11 Act which the Secretary of Health and Human Serv-
12 ices determines requires State legislation (other than
13 legislation appropriating funds) in order for the plan
14 to meet the additional requirements imposed by the
15 amendments made by this section, the State plan
16 shall not be regarded as failing to comply with the
17 requirements of such title solely on the basis of its
18 failure to meet these additional requirements before
19 the first day of the first calendar quarter beginning
20 after the close of the first regular session of the
21 State legislature that begins after the date of enact-
22 ment of this Act. For purposes of the previous sen-
23 tence, in the case of a State that has a 2-year legis-
24 lative session, each year of such session shall be

1 deemed to be a separate regular session of the State
2 legislature.

3 **Subtitle C—Grant Programs**

4 **SEC. 121. CASE MANAGEMENT GRANT PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary shall award
6 grants to States and eligible entities for the purpose of
7 developing case management programs that—

8 (1) identify eligible individuals who are in need
9 of dental services, with a particular focus on preg-
10 nant women, individuals with disabilities, and older
11 adults, and provide them with information regarding
12 dental providers in proximity to their residence;

13 (2) determine the coverage status of an eligible
14 individual or whether such individual is eligible for
15 free dental services;

16 (3) recruit licensed dental providers and coordi-
17 nate the voluntary provision of medically rec-
18 ommended dental services by such providers to eligi-
19 ble individuals described in subsection (f)(2)(E) with
20 no fee or charge to such individuals and in a manner
21 consistent with State licensing laws;

22 (4) provide community-level oral health edu-
23 cation, with a focus on oral health literacy and pre-
24 vention, and resource information to eligible individ-
25 uals; and

1 (5) identify and coordinate transportation for
2 eligible individuals in need of dental services as nec-
3 essary to overcome mobility impairments and trans-
4 portation barriers.

5 (b) APPLICATION.—A State or eligible entity that de-
6 sires to participate in the grant program under this sec-
7 tion shall submit to the Secretary an application at such
8 time, in such manner, and containing such information as
9 the Secretary may require.

10 (c) DURATION AND SCOPE.—From any amounts ap-
11 propriated to carry out this section, the Secretary shall
12 award grants to a total of 10 States and eligible entities,
13 with the amount of each grant to be determined at the
14 discretion of the Secretary.

15 (d) EVALUATION.—Not later than January 1, 2016,
16 the Secretary shall—

17 (1) conduct an evaluation of the grant program
18 under this section for purposes of determining if
19 case management programs established by partici-
20 pating States and eligible entities sufficiently in-
21 creased access to dental services; and

22 (2) determine whether case management pro-
23 grams should be made available on a nationwide
24 basis.

1 (e) AUTHORIZATION.—To carry out the grant pro-
2 gram under this section, there are authorized to be appro-
3 priated such sums as may be necessary for each of fiscal
4 years 2013 through 2015.

5 (f) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means an organization that is described in sec-
8 tion 501(c)(3) of the Internal Revenue Code of 1986
9 and exempt from tax under section 501(a) of such
10 Code.

11 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
12 individual” means an individual who is—

13 (A) entitled to, or enrolled for, benefits
14 under part A of title XVIII of the Social Secu-
15 rity Act or enrolled for benefits under part B
16 of such title;

17 (B) eligible to receive medical assistance
18 under a State plan under title XIX of the So-
19 cial Security Act or any waiver approved with
20 respect to such plan;

21 (C) eligible to receive child health assist-
22 ance under a State child health plan under title
23 XXI of the Social Security Act or any waiver
24 approved with respect to such plan;

1 (D) entitled to receive medical benefits
2 under the laws administered by the Secretary of
3 Veterans Affairs; or

4 (E) has an income below 200 percent of
5 the Federal poverty level and does not otherwise
6 have any dental insurance coverage.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 (4) STATE.—The term “State” means the 50
10 States and the District of Columbia.

11 **TITLE II—PUBLIC HEALTH**
12 **PROGRAMS**

13 **Subtitle A—National Health**
14 **Service Corps**

15 **SEC. 201. NATIONAL HEALTH SERVICE CORPS.**

16 (a) IN GENERAL.—Section 331 of the Public Health
17 Service Act (42 U.S.C. 254d) is amended—

18 (1) in subsection (a)(3), by adding at the end
19 the following:

20 “(F) The term ‘dental therapist’ means,
21 with respect to a State that licenses such dental
22 therapists, a mid-level dental practitioner who is
23 licensed to practice under the law of the State
24 and who provides preventive and restorative

1 services directly to the public, commensurate
2 with the scope of the practice.”; and

3 (2) in subsection (b)—

4 (A) in paragraph (1), by inserting “, den-
5 tal therapy,” after “dental”; and

6 (B) in paragraph (2), by inserting “dental
7 therapists,” after “dentists,”.

8 (b) FACILITATION OF EFFECTIVE PROVISION OF
9 CORPS SERVICES.—Section 336(f)(3) of the Public Health
10 Service Act (42 U.S.C. 254h–1(f)(3)) is amended by in-
11 serting “dental therapists” after “midwives,”.

12 (c) SCHOLARSHIP PROGRAM AND LOAN REPAYMENT
13 PROGRAM.—

14 (1) SCHOLARSHIP PROGRAM.—Section 338A of
15 the Public Health Service Act (42 U.S.C. 254l) is
16 amended—

17 (A) in subsection (a)(1), by inserting “den-
18 tal therapists,” after “dentists,”; and

19 (B) in subsection (b)(1), by inserting “in-
20 cluding dental therapy,” after “or other health
21 profession,”.

22 (2) LOAN REPAYMENT PROGRAM.—Section
23 338B of the Public Health Service Act (42 U.S.C.
24 254l–1) is amended—

1 (A) in subsection (a)(1), by inserting “den-
2 tal therapists,” after “dentists,”; and

3 (B) in subsection (b)(1)—

4 (i) in subparagraph (A), by inserting
5 “dental therapist,” after “nurse practi-
6 tioner,”;

7 (ii) in subparagraph (B), by inserting
8 “dental therapy,” after “mental health,”;
9 and

10 (iii) in subparagraph (C)(ii), by in-
11 sserting “, including dental therapy,” after
12 “health profession”.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—
14 Section 338H of the Public Health Service Act (42
15 U.S.C. 254q) is amended—

16 (A) in subsection (a), by striking “this sec-
17 tion” and inserting “this subpart”; and

18 (B) by adding at the end the following:

19 “(d) AUTHORIZATION OF APPROPRIATIONS WITH
20 RESPECT TO ORAL HEALTH PROFESSIONALS.—To carry
21 out this subpart with respect to dentists, dental therapists,
22 and dental hygienists, in addition to the amounts author-
23 ized under subsection (a), there is authorized to be appro-
24 priated such sums as may be necessary for fiscal years

1 2013 through 2016, which shall be used to provide schol-
2 arships to such oral health professionals.”.

3 **Subtitle B—Oral Health Education**

4 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS FOR ORAL** 5 **HEALTH EDUCATION FOR MEDICAL PRO-** 6 **VIDERS.**

7 Section 747(c) of the Public Health Service Act (42
8 U.S.C. 293k(c)) is amended by adding at the end the fol-
9 lowing:

10 “(4) ORAL HEALTH EDUCATION.—In addition
11 to other amounts authorized under this subsection
12 for purposes of carrying out this section, there is au-
13 thorized to be appropriated such sums as may be
14 necessary for fiscal years 2013 through 2016 for the
15 purpose of educating nondental medical profes-
16 sionals, including physicians, nurses, and phar-
17 macists, about oral health, including issues such as
18 oral hygiene instruction, topical application of fluo-
19 ride, and oral health screenings, with the goal of in-
20 tegrating oral health care into overall health care.”.

21 **SEC. 212. ORAL HEALTH EDUCATION FOR OTHER NON-** 22 **HEALTH PROFESSIONALS.**

23 Subpart I of part C of title VII of the Public Health
24 Service Act (42 U.S.C. 293k et seq.) is amended by insert-
25 ing after section 748 the following:

1 **“SEC. 748A. ORAL HEALTH EDUCATION FOR OTHER NON-**
2 **ORAL HEALTH PROFESSIONALS.**

3 “(a) IN GENERAL.—The Secretary may make grants
4 to, or enter into contracts with, an accredited public or
5 nonprofit private hospital, an educational institution, or
6 a public or private nonprofit entity which the Secretary
7 has determined is capable of carrying out such grant or
8 contract to educate individuals, such as community health
9 workers, social workers, nutritionists, health educators,
10 occupational therapists, and psychologists, to promote oral
11 health education and to provide support for behavior
12 change and assistance with care coordination with respect
13 to oral health.

14 “(b) AUTHORIZATION OF APPROPRIATIONS.—To
15 carry out this section, there is authorized to be appro-
16 priated such sums as may be necessary for fiscal years
17 2013 through 2016.”.

18 **SEC. 213. DENTAL EDUCATION.**

19 (a) TRAINING IN GENERAL, PEDIATRIC, AND PUBLIC
20 HEALTH DENTISTRY.—Section 748 of the Public Health
21 Service Act (42 U.S.C. 293k–2) is amended—

22 (1) in subsection (a)(1)(H), by striking “pedi-
23 atric training programs” and inserting “pediatric
24 dental training programs”; and

25 (2) in subsection (c)—

1 (A) by striking the subsection heading and
2 inserting “REQUIREMENTS FOR AWARD.—”;

3 (B) by amending the matter preceding
4 paragraph (1) to read as follows: “With respect
5 to training provided for under this section, the
6 Secretary shall award grants or contracts only
7 to eligible entities that meet at least 7 of the
8 following criteria:”;

9 (C) in paragraph (2), by striking “have a
10 record of training the greatest percentage of
11 providers, or that have demonstrated significant
12 improvements in the percentage of providers,
13 who enter and” and inserting “train significant
14 numbers of providers who”;

15 (D) in paragraph (3)—

16 (i) by striking “have a record of train-
17 ing” and inserting “intent to train”; and

18 (ii) by striking the period at the end
19 and inserting “and have faculty with expe-
20 rience in treating underserved popu-
21 lations.”;

22 (E) in paragraph (8), by inserting “or
23 have established” after “establish”; and

24 (F) by adding at the end the following:

1 “(9) Qualified applicants that require not less
2 than 200 hours of community-based education rota-
3 tions.”.

4 (b) DENTAL RESIDENCY PROGRAMS.—Part B of title
5 III of the Public Health Service Act (42 U.S.C. 243 et
6 seq.) is amended by adding at the end the following:

7 **“SEC. 320B. DENTAL RESIDENCY PROGRAMS.**

8 “As a condition for receiving Federal funds, dental
9 training residency programs shall require individuals en-
10 rolled in such residency programs to provide dental serv-
11 ices—

12 “(1) in hospital emergency rooms; or

13 “(2) in community settings, in addition to the
14 dental training otherwise required by such residency
15 program.”.

16 **SEC. 214. ORAL HEALTH PROFESSIONAL STUDENT LOANS.**

17 Part F of title VII of the Public Health Service Act
18 (42 U.S.C. 295j) is amended by adding at the end the
19 following:

20 **“SEC. 799C. ORAL HEALTH PROFESSIONAL STUDENT**
21 **LOANS.**

22 “(a) IN GENERAL.—The Secretary shall establish
23 and operate a student loan fund for oral health profes-
24 sional students, including dental hygienists, dental thera-
25 pists, and dentists.

1 “(b) CONTENT.—The Secretary shall establish and
2 operate the student loan fund program under subsection
3 (a) in the same manner and subject to the same terms
4 as the loan fund program established with schools of nurs-
5 ing under section 835.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—To
7 carry out this section, there are authorized to be appro-
8 priated such sums as may be necessary for fiscal years
9 2013 through 2016.”.

10 **Subtitle C—Other Oral Health** 11 **Programs**

12 **SEC. 221. ACCESS POINTS.**

13 Subpart X of part D of title III of the Public Health
14 Service Act (42 U.S.C. 256f et seq.) is amended by adding
15 at the end the following:

16 **“SEC. 340G-2. FUNDING FOR ORAL HEALTH SERVICES.**

17 “(a) IN GENERAL.—The Secretary, acting through
18 the Administrator of the Health Resources and Services
19 Administration, shall establish a program to award grants
20 to eligible entities to provide oral health services, or to con-
21 tract with private dental practices to provide comprehen-
22 sive oral health services, to low income individuals and in-
23 dividuals who are underserved with respect to oral health
24 care.

1 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to entities receiving grants
3 under subsection (a) to provide technical assistance to
4 such entities in order to—

5 “(1) with respect to oral health care services,
6 increase efficiency and minimize missed appoint-
7 ments, contract with offsite providers, recruit pro-
8 viders (including oral health specialists), and operate
9 programs outside the physical facilities to take ad-
10 vantage of new systems to improve access to oral
11 health services; or

12 “(2) contract with private dental practices that
13 will provide oral health services other than preven-
14 tive oral health care, including restoration and main-
15 tenance of oral health, in order to meet the need for
16 oral health services in the community.

17 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
18 a grant under subsection (a), an entity shall—

19 “(1) be—

20 “(A) a Federally qualified health center
21 (as defined in section 1861(aa) of the Social
22 Security Act);

23 “(B) a safety net clinic or a free clinic (as
24 defined by the Secretary);

1 “(C) a health care clinic that provides
2 services to tribal organizations or urban Indian
3 organizations (as such terms are defined in sec-
4 tion 4 of the Indian Health Care Improvement
5 Act); or

6 “(D) any other interested public or private
7 sector health care provider or organization that
8 the Secretary determines has a demonstrated
9 history in serving a high number of uninsured
10 and or low-income individuals or those who lack
11 ready access to oral health services; and

12 “(2) demonstrate a clear need to expand oral
13 health care services beyond preventive oral health
14 care.

15 “(d) ALLOCATION FOR HIRING ORAL HEALTH CARE
16 SPECIALISTS.—A portion of the funds available under this
17 section shall be allocated toward hiring oral health care
18 specialists, such as oral surgeons, at entities receiving
19 grants under this section.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
21 carry out this section, there is authorized to be appro-
22 priated such sums as may be necessary for each of fiscal
23 years 2013 through 2016.”.

1 **SEC. 222. DENTAL CLINICS IN SCHOOLS.**

2 Part Q of title III of the Public Health Service Act
3 (42 U.S.C. 280h et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 399Z-2. DENTAL CLINICS IN SCHOOLS.**

6 “(a) IN GENERAL.—The Secretary shall award
7 grants to qualified entities for the purpose of funding the
8 building, operation, or expansion of dental clinics in
9 schools.

10 “(b) QUALIFIED ENTITIES.—To receive a grant
11 under this section, a qualified entity shall submit an appli-
12 cation to the Secretary at such time, in such manner, and
13 containing such information as the Secretary may require.

14 “(c) REQUIREMENTS.—An entity receiving a grant
15 under this section shall—

16 “(1) provide comprehensive oral health services
17 at a dental clinic based at a school, including oral
18 health education, oral screening, fluoride application,
19 prophylaxis, and sealants;

20 “(2) refer patients to an available qualified oral
21 health provider in the community for any required
22 oral health services not provided in the dental clinic
23 in the school, to ensure that all the oral health needs
24 of students are met; and

25 “(3) maintain clinic hours that extend beyond
26 school hours.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—For
2 purposes of carrying out this section, there is authorized
3 to be appropriated such sums as may be necessary for fis-
4 cal years 2013 through 2016.”.

5 **SEC. 223. EMERGENCY ROOM CARE COORDINATION.**

6 Part B of title III of the Public Health Service Act
7 (42 U.S.C. 243 et seq.), as amended by section 213(b),
8 is further amended by adding at the end the following:

9 **“SEC. 320C. EMERGENCY ROOM CARE COORDINATION WITH**
10 **RESPECT TO DENTAL CARE.**

11 “(a) IN GENERAL.—The Secretary, acting through
12 the Administrator of the Health Resources and Services
13 Administration, shall establish a grant program to enable
14 individuals to receive dental care at a facility operated by
15 a grant recipient rather than at a hospital emergency
16 room.

17 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
18 a grant under this section, an entity shall be—

19 “(1) a hospital in partnership with a Federally
20 qualified health center;

21 “(2) a Federally qualified health center;

22 “(3) a private dental practice; or

23 “(4) any other interested public or private sec-
24 tor health care provider or organization that the
25 Secretary determines has the capacity to serve a

1 high number of individuals who lack access to oral
2 health services.

3 “(c) ORAL HEALTH EDUCATION FOR ER PHYSI-
4 CIANS.—The Secretary shall allocate a portion of the
5 amounts appropriated under subsection (e) toward med-
6 ical education for emergency room physicians to be trained
7 in oral health.

8 “(d) REPORT.—Not later than January 1, 2016, the
9 Secretary shall submit to Congress a report on the best
10 practices determined by the program established under
11 this section to address oral health needs of individuals who
12 go to emergency rooms in need of oral health care.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
14 carry out this section, there is authorized to be appro-
15 priated such sums as may be necessary for fiscal years
16 2013 through 2016.”.

17 **SEC. 224. RESEARCH FUNDING.**

18 For fiscal years 2013 through 2016, there is author-
19 ized to be appropriated such sums as may be necessary
20 to each of—

21 (1) the Centers for Disease Control and Preven-
22 tion, for the purpose of conducting research on—

23 (A) the prevention of oral health disease;

24 and

25 (B) oral health disease management;

1 (2) the Agency for Healthcare Research and
2 Quality, for the purpose of conducting—

3 (A) research with respect to oral health
4 services and the delivery of oral health services;
5 and

6 (B) an evaluation of oral health service de-
7 livery to underserved and vulnerable popu-
8 lations;

9 (3) the National Institute of Dental and
10 Craniofacial Research for the purpose of conducting
11 research on oral health disease management includ-
12 ing pharmaceutical-behavioral intervention; and

13 (4) the Maternal and Child Health Bureau for
14 the purpose of conducting research on maternal and
15 child oral health issues.

16 **SEC. 225. MOBILE AND PORTABLE DENTAL SERVICES.**

17 Subpart X of part D of title III of the Public Health
18 Service Act (42 U.S.C. 256f et seq.), as amended by sec-
19 tion 221, is further amended by adding at the end the
20 following:

21 **“SEC. 340G-3. MOBILE AND PORTABLE DENTAL SERVICES.**

22 “(a) IN GENERAL.—The Secretary shall award
23 grants to rural health clinics, as defined in section
24 1861(aa)(2) of the Social Security Act (42 U.S.C.
25 1395x(aa)(2)), to provide mobile and portable, comprehen-

1 sive dental services (including dental services provided by
2 licensed providers through telehealth-enabled collaboration
3 and supervision) and outreach for dental services at loca-
4 tions such as senior centers, nursing homes, assisted living
5 facilities, schools, licensed day care centers that serve chil-
6 dren who receive benefits under the State Children’s
7 Health Insurance Program under title XXI of the Social
8 Security Act (42 U.S.C. 1397aa et seq.) or the Medicaid
9 program under title XIX of the Social Security Act (42
10 U.S.C. 1396 et seq.), and facilities that provide services
11 under the Special Supplemental Nutrition Program for
12 Women, Infants, and Children (the WIC program) or the
13 Head Start Act (42 U.S.C. 9831 et seq.).

14 “(b) AUTHORIZATION OF APPROPRIATIONS.—To
15 carry out this section, there are authorized to be appro-
16 priated such sums as may be necessary.”.

1 **TITLE III—DEPARTMENT OF**
2 **VETERANS AFFAIRS AND DE-**
3 **PARTMENT OF DEFENSE MAT-**
4 **TERS**

5 **Subtitle A—Department of**
6 **Veterans Affairs Matters**

7 **SEC. 301. REQUIRING SECRETARY OF VETERANS AFFAIRS**
8 **TO FURNISH DENTAL CARE IN SAME MANNER**
9 **AS ANY OTHER MEDICAL SERVICE.**

10 (a) IN GENERAL.—Title 38, United States Code, is
11 amended—

12 (1) in section 1701(6), by striking “as de-
13 scribed in sections 1710 and 1712 of this title”;

14 (2) in section 1710(c), by striking the second
15 sentence;

16 (3) in section 1712—

17 (A) by striking subsections (a) and (b);
18 and

19 (B) by redesignating subsections (c)
20 through (e) as subsections (a) through (c), re-
21 spectively; and

22 (4) by striking section 2062.

23 (b) CONFORMING AMENDMENTS.—Such title is fur-
24 ther amended—

1 (1) in section 1525(a), by striking “medicines
2 under section 1712(d)” and inserting “medicines
3 under section 1712(b)”;

4 (2) in section 1703(a)(7), by striking “, for a
5 veteran described in section 1712(a)(1)(F) of this
6 title”.

7 (c) CLERICAL AMENDMENTS.—Such title is further
8 amended—

9 (1) in section 1712, in the heading for such sec-
10 tion, by striking “**Dental care; drugs**” and in-
11 serting “**Drugs**”;

12 (2) in the table of sections at the beginning of
13 chapter 17, by striking the item relating to section
14 1712 and inserting the following new item:

“1712. Drugs and medicines for certain disabled veterans; vaccines.”;

15 and

16 (3) in the table of sections at the beginning of
17 chapter 20, by striking the item relating to section
18 2062.

1 **SEC. 302. DEMONSTRATION PROGRAM ON TRAINING AND**
2 **EMPLOYMENT OF ALTERNATIVE DENTAL**
3 **HEALTH CARE PROVIDERS FOR DENTAL**
4 **HEALTH CARE SERVICES FOR VETERANS IN**
5 **RURAL AND OTHER UNDERSERVED COMMU-**
6 **NITIES.**

7 (a) DEMONSTRATION PROGRAM AUTHORIZED.—The
8 Secretary of Veterans Affairs may carry out a demonstra-
9 tion program to establish programs to train and employ
10 alternative dental health care providers in order to in-
11 crease access to dental health care services for veterans
12 entitled to such services who reside in rural and other un-
13 derserved communities.

14 (b) TELEHEALTH.—For purposes of alternative den-
15 tal health care providers and any other dental care pro-
16 viders who are licensed to provide clinical care, dental
17 services provided under the demonstration program under
18 this section may be administered by such providers
19 through telehealth-enabled collaboration and supervision
20 when deemed appropriate and feasible.

21 (c) ALTERNATIVE DENTAL HEALTH CARE PRO-
22 VIDERS DEFINED.—In this section, the term “alternative
23 dental health care providers” has the meaning given that
24 term in section 340G–1(a)(2) of the Public Health Service
25 Act (42 U.S.C. 256g–1(a)(2)).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out the demonstration program under this
4 section.

5 **Subtitle B—Department of Defense**
6 **Matters**

7 **SEC. 311. DEMONSTRATION PROGRAM ON TRAINING AND**
8 **EMPLOYMENT OF ALTERNATIVE DENTAL**
9 **HEALTH CARE PROVIDERS FOR DENTAL**
10 **HEALTH CARE SERVICES FOR MEMBERS OF**
11 **THE ARMED FORCES AND DEPENDENTS**
12 **LACKING READY ACCESS TO SUCH SERVICES.**

13 (a) DEMONSTRATION PROGRAM AUTHORIZED.—The
14 Secretary of Defense may carry out a demonstration pro-
15 gram to establish programs to train and employ alter-
16 native dental health care providers in order to increase ac-
17 cess to dental health care services for members of the
18 Armed Forces and their dependents who lack ready access
19 to such services, including the following:

20 (1) Members and dependents who reside in
21 rural areas or areas otherwise underserved by dental
22 health care providers.

23 (2) Members of the National Guard and Re-
24 serves in active status who are potentially
25 deployable.

1 (b) TELEHEALTH.—For purposes of alternative den-
2 tal health care providers and any other dental care pro-
3 viders who are licensed to provide clinical care, dental
4 services provided under the demonstration program under
5 this section may be administered by such providers
6 through telehealth-enabled collaboration and supervision
7 when deemed appropriate and feasible.

8 (c) ALTERNATIVE DENTAL HEALTH CARE PRO-
9 VIDERS DEFINED.—In this section, the term “alternative
10 dental health care providers” has the meaning given that
11 term in section 340G–1(a)(2) of the Public Health Service
12 Act (42 U.S.C. 256g–1(a)(2)).

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out the demonstration program under this
16 section.

1 **TITLE IV—FEDERAL BUREAU OF**
2 **PRISONS**

3 **SEC. 401. DEMONSTRATION PROGRAM ON TRAINING AND**
4 **EMPLOYMENT OF ALTERNATIVE DENTAL**
5 **HEALTH CARE PROVIDERS FOR DENTAL**
6 **HEALTH CARE SERVICES FOR PRISONERS**
7 **WITHIN THE CUSTODY OF THE BUREAU OF**
8 **PRISONS.**

9 (a) DEMONSTRATION PROGRAM AUTHORIZED.—The
10 Attorney General, acting through the Director of the Bu-
11 reau of Prisons, may carry out a demonstration program
12 to establish programs to train and employ alternative den-
13 tal health care providers in order to increase access to den-
14 tal health services for prisoners within the custody of the
15 Bureau of Prisons.

16 (b) TELEHEALTH.—For purposes of alternative den-
17 tal health care providers and any other dental care pro-
18 viders who are licensed to provide clinical care, dental
19 services provided under the demonstration program under
20 this section may be administered by such providers
21 through telehealth-enabled collaboration and supervision
22 when deemed appropriate and feasible.

23 (c) ALTERNATIVE DENTAL HEALTH CARE PRO-
24 VIDERS DEFINED.—In this section, the term “alternative
25 dental health care providers” has the meaning given that

1 term in section 340G–1(a)(2) of the Public Health Service
2 Act (42 U.S.C. 256g–1(a)(2)).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out the demonstration program under this
6 section.

7 **TITLE V—INDIAN HEALTH** 8 **SERVICE**

9 **SEC. 501. DEMONSTRATION PROGRAM ON TRAINING AND** 10 **EMPLOYMENT OF ALTERNATIVE DENTAL** 11 **HEALTH CARE PROVIDERS FOR DENTAL** 12 **HEALTH CARE SERVICES UNDER THE INDIAN** 13 **HEALTH SERVICE.**

14 (a) DEMONSTRATION PROGRAM AUTHORIZED.—The
15 Secretary of Health and Human Services, acting through
16 the Indian Health Service, may carry out a demonstration
17 program to establish programs to train and employ alter-
18 native dental health care providers in order to help elimi-
19 nate oral health disparities and increase access to dental
20 services through health programs operated by the Indian
21 Health Service, Indian tribes, tribal organizations, and
22 Urban Indian organizations (as those terms are defined
23 in section 4 of the Indian Health Care Improvement Act
24 (25 U.S.C. 1603)).

1 (b) TELEHEALTH.—For purposes of alternative den-
2 tal health care providers and any other dental care pro-
3 viders who are licensed to provide clinical care, dental
4 services provided under the demonstration program under
5 this section may be administered by such providers
6 through telehealth-enabled collaboration and supervision
7 when deemed appropriate and feasible.

8 (c) ALTERNATIVE DENTAL HEALTH CARE PRO-
9 VIDERS DEFINED.—In this section, the term “alternative
10 dental health care providers” has the meaning given that
11 term in section 340G–1(a)(2) of the Public Health Service
12 Act (42 U.S.C. 256g–1(a)(2)).

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out the demonstration program under this
16 section.

17 **TITLE VI—REPORTS TO** 18 **CONGRESS**

19 **SEC. 601. EVALUATION OF EXPANSION OF COVERAGE FOR** 20 **DENTAL SERVICES.**

21 (a) SECRETARY OF HEALTH AND HUMAN SERV-
22 ICES.—Not later than October 1, 2016, the Secretary of
23 Health and Human Services shall submit to Congress a
24 report that provides a comprehensive cost-benefit analysis
25 regarding the expansion of coverage for dental services

1 pursuant to this Act, including whether the provision of
2 such services resulted in a reduction in total health care
3 costs for individuals under the Medicare and Medicaid
4 programs.

5 (b) COMPTROLLER GENERAL.—

6 (1) MEDICAID AND MEDICARE.—Not later than
7 October 1, 2015, the Comptroller General of the
8 United States shall submit to Congress a report that
9 provides a comprehensive analysis and evaluation of
10 the implementation and utilization of the expanded
11 coverage for dental services pursuant to this Act for
12 individuals enrolled in the Medicare and Medicaid
13 programs.

14 (2) DEMONSTRATION PROGRAMS.—Not later
15 than October 1, 2016, the Comptroller General of
16 the United States shall submit to Congress a report
17 that provides a comprehensive analysis and evalua-
18 tion of the demonstration programs described in sec-
19 tions 302, 311, 401, and 501, including—

20 (A) the extent to which the programs im-
21 proved access to oral health care and increased
22 utilization of oral health services; and

23 (B) an examination of the training pro-
24 vided under the programs to alternative dental

1 health care providers and the quality of care
 2 provided by such providers.

3 **TITLE VII—FUNDING**

4 **SEC. 701. TRANSACTION TAX.**

5 (a) IN GENERAL.—Chapter 36 of the Internal Rev-
 6 enue Code of 1986 is amended by inserting after sub-
 7 chapter B the following new subchapter:

8 **“Subchapter C—Tax on Trading Transactions**

“Sec. 4475. Tax on trading transactions.

9 **“SEC. 4475. TAX ON TRADING TRANSACTIONS.**

10 “(a) IMPOSITION OF TAX.—There is hereby imposed
 11 a tax on each covered transaction with respect to any secu-
 12 rity.

13 “(b) RATE OF TAX.—The tax imposed under sub-
 14 section (a) with respect to any covered transaction shall
 15 be 0.025 percent of the specified base amount with respect
 16 to such covered transaction.

17 “(c) SPECIFIED BASE AMOUNT.—For purposes of
 18 this section, the term ‘specified base amount’ means—

19 “(1) except as provided in paragraph (2), the
 20 fair market value of the security (determined as of
 21 the time of the covered transaction), and

22 “(2) in the case of any payment described in
 23 subsection (h), the amount of such payment.

1 “(d) COVERED TRANSACTION.—For purposes of this
2 section, the term ‘covered transaction’ means—

3 “(1) except as provided in paragraph (2), any
4 purchase if—

5 “(A) such purchase occurs or is cleared on
6 a facility located in the United States, or

7 “(B) the purchaser or seller is a United
8 States person, and

9 “(2) any transaction with respect to a security
10 described in subparagraph (D), (E), or (F) of sub-
11 section (e)(1), if—

12 “(A) such security is traded or cleared on
13 a facility located in the United States, or

14 “(B) any party with rights under such se-
15 curity is a United States person.

16 “(e) SECURITY AND OTHER DEFINITIONS.—For pur-
17 poses of this section:

18 “(1) IN GENERAL.—The term ‘security’
19 means—

20 “(A) any share of stock in a corporation,

21 “(B) any partnership or beneficial owner-
22 ship interest in a partnership or trust,

23 “(C) any note, bond, debenture, or other
24 evidence of indebtedness,

1 “(D) any evidence of an interest in, or a
2 derivative financial instrument with respect to,
3 any security or securities described in subpara-
4 graph (A), (B), or (C),

5 “(E) any derivative financial instrument
6 with respect to any currency or commodity, and

7 “(F) any other derivative financial instru-
8 ment any payment with respect to which is cal-
9 culated by reference to any specified index.

10 “(2) DERIVATIVE FINANCIAL INSTRUMENT.—

11 The term ‘derivative financial instrument’ includes
12 any option, forward contract, futures contract, no-
13 tional principal contract, or any similar financial in-
14 strument.

15 “(3) SPECIFIED INDEX.—The term ‘specified
16 index’ means any 1 or more of any combination of—

17 “(A) a fixed rate, price, or amount, or

18 “(B) a variable rate, price, or amount,

19 which is based on any current objectively deter-
20 minable information which is not within the control
21 of any of the parties to the contract or instrument
22 and is not unique to any of the parties’ cir-
23 cumstances.

24 “(4) TREATMENT OF EXCHANGES.—

1 “(A) IN GENERAL.—An exchange shall be
2 treated as the sale of the property transferred
3 and a purchase of the property received by each
4 party to the exchange.

5 “(B) CERTAIN DEEMED EXCHANGES.—In
6 the case of a distribution treated as an ex-
7 change for stock under section 302 or 331, the
8 corporation making such distribution shall be
9 treated as having purchased such stock for pur-
10 poses of this section.

11 “(f) EXCEPTIONS.—

12 “(1) EXCEPTION FOR INITIAL ISSUES.—No tax
13 shall be imposed under subsection (a) on any cov-
14 ered transaction with respect to the initial issuance
15 of any security described in subparagraph (A), (B),
16 or (C) of subsection (e)(1).

17 “(2) EXCEPTION FOR CERTAIN TRADED SHORT-
18 TERM INDEBTEDNESS.—A note, bond, debenture, or
19 other evidence of indebtedness which—

20 “(A) is traded on a trading facility located
21 in the United States, and

22 “(B) has a fixed maturity of not more
23 than 100 days,

24 shall not be treated as described in subsection
25 (e)(1)(C).

1 “(3) EXCEPTION FOR SECURITIES LENDING AR-
2 RANGEMENTS.—No tax shall be imposed under sub-
3 section (a) on any covered transaction with respect
4 to which gain or loss is not recognized by reason of
5 section 1058.

6 “(g) BY WHOM PAID.—

7 “(1) IN GENERAL.—The tax imposed by this
8 section shall be paid by—

9 “(A) in the case of a transaction which oc-
10 curs or is cleared on a facility located in the
11 United States, such facility, and

12 “(B) in the case of a purchase not de-
13 scribed in subparagraph (A) which is executed
14 by a broker (as defined in section 6045(c)(1))
15 which is a United States person, such broker.

16 “(2) SPECIAL RULES FOR DIRECT, ETC.,
17 TRANSACTIONS.—In the case of any transaction to
18 which paragraph (1) does not apply, the tax imposed
19 by this section shall be paid by—

20 “(A) in the case of a transaction described
21 in subsection (d)(1)—

22 “(i) the purchaser if the purchaser is
23 a United States person, and

24 “(ii) the seller if the purchaser is not
25 a United States person, and

1 “(B) in the case of a transaction described
2 in subsection (d)(2)—

3 “(i) the payor if the payor is a United
4 States person, and

5 “(ii) the payee if the payor is not a
6 United States person.

7 “(h) CERTAIN PAYMENTS TREATED AS SEPARATE
8 TRANSACTIONS.—Except as otherwise provided by the
9 Secretary, any payment with respect to a security de-
10 scribed in subparagraph (D), (E), or (F) of subsection
11 (e)(1) shall be treated as a separate transaction for pur-
12 poses of this section, including—

13 “(1) any net initial payment, net final or termi-
14 nating payment, or net periodical payment with re-
15 spect to a notional principal contract (or similar fi-
16 nancial instrument),

17 “(2) any payment with respect to any forward
18 contract (or similar financial instrument), and

19 “(3) any premium paid with respect to any op-
20 tion (or similar financial instrument).

21 “(i) ADMINISTRATION.—The Secretary shall carry
22 out this section in consultation with the Securities and Ex-
23 change Commission and the Commodity Futures Trading
24 Commission.

1 “(j) GUIDANCE; REGULATIONS.—The Secretary
2 shall—

3 “(1) provide guidance regarding such informa-
4 tion reporting concerning covered transactions as the
5 Secretary deems appropriate, and

6 “(2) prescribe such regulations as are necessary
7 or appropriate to prevent avoidance of the purposes
8 of this section, including the use of non-United
9 States persons in such transactions.”.

10 (b) CLERICAL AMENDMENT.—The table of sub-
11 chapters for chapter 36 of the Internal Revenue Code of
12 1986 is amended by inserting after the item relating to
13 subchapter B the following new item:

“Subchapter C. Tax on trading transactions.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to transactions after December 31,
16 2012.

○