



Appropriations Update: FY 2012 Omnibus Bill

House Republican leaders introduced a package of three bills intended to complete the appropriations process for Fiscal Year (FY) 2012. The centerpiece of the package is H.R. 3671, which includes the nine remaining FY 2012 spending bills, including the Labor-HHS-Education bill. A [final 2012 Appropriations Bill](#) providing funding for the Department of Health and Human Services is now available. The conference agreement includes \$734,402,000 for Health Workforce. **Within the funds provided for Training in Oral Health Care, the conferees include \$7,563,000 each for general and pediatric dentistry.** The conference agreement includes language prohibiting health workforce funds to be used for section 3400-1, the *Alternative Dental Health Care Providers Demonstration* programs. The following is a synopsis of selected health care and research related funding:

- **The Department of Health and Human Services (HHS):** HHS receives a total of \$69.7 billion in the bill, which is nearly \$700 million below last year's level and \$3.4 billion below the President's budget request.
- **Health Resources and Services Administration (HRSA):** The bill funds HRSA at program level of \$6.5 billion, which is \$41 million below last year's level and \$848 million below the budget request. Within this total, Community Health Centers are funded at \$1.6 billion—the same level as last year.
- **Health Professions:** The conference agreement specifies \$233.7 million for the Title VII health professions programs, an \$18.9 million (6.9%) cut below the FY 2011 appropriation. Unlike proposals by both the House and Senate subcommittees to eliminate the Health Careers Opportunity Program (HCOP), the conference agreement provides \$15 million for the diversity pipeline program, \$7 million (31.8%) less than the previous year. The agreement provides \$232.4 million for the Title VIII nursing education programs, a \$10 million (4.1%) cut.
- **National Health Service Corps (NHSC):** The conference agreement eliminates the appropriation for the NHSC, which received a \$24.8 million appropriation in FY 2011. The conference agreement does not appear to make any rescissions to the NHSC Fund created by the *Affordable Care Act* that provides the HHS Secretary up to \$295 million for the NSHC in FY 2012.
- **National Institutes of Health (NIH):** The bill provides NIH with \$30.7 billion in funding, which is \$299 million above last year's level and \$758 million below the President's request. It does not appear that this number reflects a 0.189% cut to most Labor-HHS-Education programs included in Section 527 of Division F. While cuts are never good, this is potentially a better result than earlier proposals that contained deeper cuts. No explanatory statement is currently available with more detailed program level numbers, and it is unclear where many of the cuts will be located within programs.

- **National Institute of Craniofacial Research (NIDCR):** The NIDCR received \$411,488,000 million a \$12 million dollar cut from FY 2011.
- **Centers for Disease Control and Prevention (CDC):** The legislation includes a program level of \$6.1 billion for the CDC, an increase of \$38 million above last year's level and \$269 million below the President's budget request. Within this total, the legislation provides \$80 million for the Preventive Health and Health Services Block Grant— a program proposed for elimination by the President and the Senate that provides funding to states to address critical public health needs. The CDC Oral Health Program receives \$14.726 million.
- **Agency for Healthcare Research and Quality (AHRQ):** The conference agreement cuts AHRQ by \$3 million for a total of \$369.1 million.

The package of bills also includes a bill (H.R. 3672) providing \$8.1 billion for disaster aid and recovery assistance, and a bill (H.Con.Res. 94) to apply an additional 1.83 percent across-the-board cut of FY 2012 appropriations (except for the defense and MilCon-VA bills) to offset the disaster funding. If both across-the-board cuts are applied to NIH, the total NIH budget appears to be \$30.1 billion, roughly \$300 million less than FY 2011.

ADEA is currently reviewing the 1,000-plus page document and will provide further analysis and updates as available.

New Guidelines Issued to Address Diversity

The U.S. Departments of Justice and Education (the Departments) have issued [a 10-page guide](#) (PDF file) to college administrators for use during their admissions process to address diversity. The move circumvents the U.S. Supreme Court's decision in the University of Michigan case, where it was argued that affirmative action infringes upon the Equal Protection Clause of the 14th Amendment of the United States Constitution.

The guidance replaces the August 28, 2008, letter issued by the Department of Education's Office for Civil Rights (OCR), "The Use of Race in Postsecondary Student Admissions." The guidance addresses the degree of flexibility possessed by postsecondary institutions, in a manner consistent with principles articulated in Supreme Court opinions, to increase diversity.

- Section I: describes the legal framework for considering race to further the compelling interest in diversity in postsecondary institutions.
- Section II: details considerations for postsecondary institutions in their voluntary use of race to achieve diversity.
- Section III: summarizes key steps for institutions seeking to achieve diversity.
- Section IV: provides examples of ways institutions can advance this interest.

Additionally, the Obama Administration [issued a 14-page outline](#) to the nation's 17,000 public school districts explaining acceptable ways that educators can seek reduction of racial segregation.

The Departments stated with the guide's issuance that the "nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples."

The Emergency Dental Responder Act Takes Another Step Toward Enactment

On December 6, 2011, the House passed H.R. 2405, the *Pandemic and All-Hazards Preparedness Reauthorization Act of 2011*. The legislation includes the *Emergency Dental Responder Act*, which is a bill that would include dentists and dental facilities in the federal disaster response framework. Additionally, the Senate Committee on Health, Education, Labor, and Pensions passed the Senate version of the bill, S.1855, *Pandemic and All-Hazards Preparedness Act Reauthorization of 2011*.

The legislation would specifically name dental health facilities in the National Health Security Strategy provisions on medical preparedness, response, and surge capacities. It would include dental school clinics as entities where all-hazards public health and medical response training could take place. Dentists and dental facilities are not currently named in the federal laws that created the federal disaster response framework. The omission has led to an underutilization of the dental health workforce and left dental clinics out of response plans. The legislation would clarify that dentists could volunteer as disaster response public health workers and that states could include dental professionals and dental facilities in their disaster response plan. The bill would encourage more collaboration among the dental community, the Department of Health and Human Services, and the Department of Defense to use all members of the health care community in developing the nation's disaster response plan.

Budget Bill

House Budget Committee Chair **Paul Ryan** (R-WI) and Ranking Member **Chris Van Hollen** (D-MD) introduced legislation ([H.R. 3521](#)) on November 30, 2011, authorizing the President to temporarily withhold and eliminate funding for individual programs included in Congress-approved spending bills. Provisions in the bill would allow the White House to propose up to two non-amendable packages of rescissions for each enacted discretionary spending bill. Congress would approve or reject each package through an expedited process. If approved, funding from the program terminations would be applied toward deficit reduction. Senators **John McCain** (R-AZ) and **Tom Carper** (D-DE) introduced similar legislation ([S. 102](#)) earlier this year.

Senate Earmark Legislation

Senators **Pat Toomey** (R-PA) and **Claire McCaskill** (D-MO) introduced the *Earmark Elimination Act of 2011* ([S. 1930](#)) on November 30, 2011. Building on the temporary moratorium on earmarks set to expire at the end of 2012, the bill would establish a permanent ban on earmarks. The bill would define earmarks as any congressionally directed spending item, limited tax benefit, or limited tariff benefit. The bill also would create a point of order against any earmark and require a two-thirds vote to waive the point of order.

New Law Would Provide Funding for Veterans Who Want to Become Dental Hygienists

On November 21, 2011, President **Barack Obama** signed into law the *VOW to Hire Heroes Act of 2011*. The legislation aims to help the approximately one million unemployed veterans acquire jobs by providing tax credits to businesses who hire veterans. A provision in the bill provides funding for the retraining of veterans in an occupation that the Bureau of Labor Statistics (BLS) says is a high-demand occupation, such as dental hygiene.

The provision focuses on the current 575,000 unemployed veterans between the ages of 35 and 60 by creating a retraining program, through which they can begin a new occupation. These

veterans can apply for funding for an education program offered by a community college or a technical school that leads to an associate degree or a certificate. As the Veterans House Committee Report explains, the provision is limited to these “middle-age” veterans because many have passed the eligibility timeline for the predecessor of the Post 9/11 GI Bill, the *Montgomery GI Bill* (MGIB). Few would have the service requirements to be eligible for the Post 9/11 GI Bill. Additionally, this age group generally has higher financial obligations than younger veterans. The bill limits the number of veterans that can participate to 45,000 in FY 2012 and 54,000 from the first day of FY 2013 to the middle of FY 2014. In order to participate, the veteran must be unemployed and not be in any other federal or state job training programs. Education payments would be administered under the rules governing the existing MGIB program.

Efforts to Repeal the Sequester By the End of the Year Unsuccessful

The failure of the Joint Select Committee on Deficit Reduction (the Super Committee) to craft legislation that would cut \$1.2 trillion in federal spending will result in a “sequester” process: automatic across-the-board cuts in defense and non-defense programs starting in 2013. *The Budget Control Act*, which created the Super Committee, included the sequester as a deterrent. Now, as the reality of how the sequester will affect programs sets in, members of Congress are becoming increasingly concerned about the impact of the cuts. Thus, a number of initiatives have been aimed at changing the terms of the sequestration. House Majority Leader **Eric Cantor** (R-VA) had hoped that an initiative would be included in a year-end legislative vehicle.

On December 14, 2011, Senators **John McCain** (R-AZ), **Jon Kyl** (R-AZ), **Lindsey Graham** (R-SC) **Kelly Ayotte** (R-NH), and **Marco Rubio** (R-FL) announced an effort to prevent the across-the-board cuts in defense spending. In the House, Armed Services Committee Chairman **Howard “Buck” McKeon** (R-CA) introduced legislation that would cut the federal government’s workforce by 10 percent over the next 10 years, which he believes would save \$127 billion. Of that amount, \$55 billion would offset the defense cuts, \$55 billion would offset the non-defense cuts, and \$17 billion would go toward deficit reduction.

Soon after the Super Committee announced that it could not reach an agreement, **President Obama** stated he would veto any legislation directed at changing the terms of the sequester. The number of new initiatives in the past weeks aimed at changing the terms of the sequester prompted 91 House Democrats to write the President to show their support of his decision to veto any legislation that would cancel the mandatory cuts without reducing the deficit by \$1.2 trillion. In the letter, House Democrats also said that they would vote to sustain his veto.

Speaker of the House **John Boehner** (R-OH) agreed not to include any changes in a year-end legislative vehicle. He did, however, say that he would like to change the terms of sequestration in a responsible way. Legislation that changes the terms of the *Budget Control Act* and sequestration will likely be considered in the upcoming second session of 112th Congress.

Funding Opportunities

You must use www.grants.gov to apply for a federal grant. The registration process can take up to one month. Assistance is available from the www.grants.gov help desk at support@grants.gov or 800-518-4726. To register successfully, applicants must do all the following:

- Obtain an organizational Data Universal Number System (DUNS) number
- Register the organization with Central Contractor Registry (CCR)

- Identify the organization's E-Business Point of Contact (POC)
- Confirm the organization's CCR "Marketing Partner ID Number" (M-PIN) password
- Register an Authorized Organization Representative (AOR)

National Institutes of Health

Mentored Research Scientist Development Award in Metabolomics (K01), RFA-RM-11-017, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-017.html>

Post baccalaureate Research Education Program (PREP) (R25), PAR-12-056m, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-056.html>

Limited Competition: Comprehensive Partnerships to Advance Cancer Health Equity (CPACHE) (U54), PAR-12-055, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-055.html>

Metabolomics Data Repository and Coordinating Center (DRCC) (U01), RFA-RM-11-020, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-020.html>

New Methods for Understanding the Functional Role of Human DNA Sequence Variants in Complex Phenotypes (R01), RFA-GM-13-002, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-GM-13-002.html>

Limited Competition: Competitive Revision for Technology Development within Biomedical Technology Research Centers (P41), PAR-12-046, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-046.html>

Development of Courses or Workshops in Metabolomics (R25), RFA-RM-11-018, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-018.html>

Small Grants Program for Cancer Epidemiology (R03), PAR-12-039, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-039.html>

Investigations on Primary Immunodeficiency Diseases (R01), PAR-12-036, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-036.html>

Studies to evaluate cellular heterogeneity using transcriptional profiling of single cells (U01), RFA-RM-11-013, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-013.html>

Exceptionally Innovative Tools and Technologies for Single Cell Analysis (R21), RFA-RM-11-014, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-014.html>

Accelerating the Integration and Translation of Technologies to Characterize Biological Processes at the Single Cell Level (R01), RFA-RM-11-015, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-015.html>

Integrated Microphysiological Systems for Drug Efficacy and Toxicity Testing in Human Health and Disease (UH2/UH3), RFA-RM-11-022, National Institutes of Health, <http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-11-022.html>

Developmental Mechanisms of Human Structural Birth Defects (P01), PAR-12-034, National Institutes of Health, <http://grants.nih.gov/grants/guide/pa-files/PAR-12-034.html>

Quotable

“Change is the law of life. And those who look only to the past or present are certain to miss the future.”

President John F. Kennedy

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