

<small>Title</small> Mandates Restricting the Uses of Federal Grant Funds from the Federal Department of Health and Human Services’ Health Resources and Services Administration (HRSA)	<small>Document Code No.</small> PHL-15-5-DP
<small>Department/Issuing Agency</small> Public Health – Seattle & King County, dba Seattle King County Dept of Public Health	<small>Effective Date.</small> 7/31/2019 Revised 11/20/19
<small>Approved</small>	DPH Director

1.0 SUBJECT TITLE: Mandates Restricting the Uses of Federal Grant Funds from the Federal Department of Health and Human Services’ Health Resources and Services Administration (HRSA)

1.1 EFFECTIVE DATE: 7/31/2019

1.2 TYPE OF ACTION: Supplement to King County policies in related documents- CON 7-8-1-EP and FIN 16.1

1.3 KEY WORDS: Procurement, Contracts, Competitive Bidding, Federal, Grants and other financial assistance

2.0 PURPOSE:

Compliance with Appropriations Act and Federal Cost Principles

The Consolidated Appropriations Act and the corresponding HRSA Grants Policy Bulletin: *Legislative Mandates in Grants Management for FY 2019* include provisions that restrict grantees from using their federal grant funds to support certain defined activities. These limitations are commonly referred to as the “Legislative Mandates.” In addition to the Legislative Mandates, receipt and use of Federal funds must adhere to the Federal Cost Principles, 45 CFR Part 75 Subpart E: Cost Principles.

Public Health- Seattle & King County (PHSKC), a Department of King County government, is committed to compliance with all applicable laws and regulations. The purpose of this policy and the associated procedures is to provide safeguards to ensure PHSKC’s compliance with the Legislative Mandates, as well as with Federal Cost Principles, 45 CFR Part 75 Subpart E: Cost Principles.

The current Legislative Mandates, which remain in effect until a new Appropriations Act is passed, include the following:

- 2.1 Salary Limitation
- 2.2 Gun Control
- 2.3 Anti-Lobbying

- 2.4 Acknowledgment of Federal Funding
- 2.5 Restriction on Abortions
- 2.6 Exceptions to Restriction on Abortions
- 2.7 Ban on Funding Human Embryo Research
- 2.8 Limitation on Use of Funds for Promotion of Legalization of Controlled Substances
- 2.9 Restriction of Pornography on Computer Networks
- 2.10 Restriction on Funding ACORN
- 2.11 Restriction on Distribution of Sterile Needles
- 2.12 Confidentiality Agreements

3.0 ORGANIZATIONS AFFECTED:

Applicable to the Department of Public Health Seattle-King County, dba Seattle King County Dept of Public Health.

4.0 REFERENCES

4.1 45 CFR Part 75 Subpart E: Cost Principles

5.0 DEFINITIONS:

”Federal Funds” means those federal grants, awards, or funds, provided to County agencies and/or subcontractors via federal indirect or direct awards.

“PHSKC” is Public Health- Seattle & King County, the Department of King County government.

“Health Resources and Services Administration (HRSA)”

- Bureau of Primary Care Health Center Program;
- Federally Quality Health Center Look-Alike Program; and
- Ryan White HIV/AIDS Program

6.0 POLICIES:

6.1 Salary Limitation

PHSKC shall not use federal grant funds to pay the salary of an individual at a rate in excess of the Federal Executive Level II pay scale

6.2 Gun Control

PHSKC shall not use federal grant funds to advocate or promote gun control.

6.3 Anti-Lobbying

6.3.1 PHSKC shall not use federal grant funds, other than for normal and recognized executive legislative relationships, for the following:

6.3.1.1 For publicity or propaganda purposes;

6.3.1.2 For the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

6.3.2 PHSKC shall not use federal grant funds to pay the salary or expenses of any employee or agent of PHSKC for activities designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

6.3.3 The prohibitions in subsections A and B include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

#### 6.4 Acknowledgement of Federal Funding

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with federal money, PHSKC shall clearly state:

6.4.1 the percentage of the total costs of the program or project which will be financed with Federal money;

6.4.2 the dollar amount of Federal funds for the project or program; and

6.4.3 the percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

#### 6.5 Restrictions on Abortions, and Exceptions to these Restrictions

PHSKC shall not use federal grant funds for any abortion or for health benefits coverage that includes coverage of abortion. These restrictions shall not apply to abortions (or health benefits coverage of abortions) that fall within the Hyde amendment exceptions.<sup>1 2</sup>

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<sup>1</sup> The Hyde Amendment exceptions include (1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

<sup>2</sup> PHSKC also maintains a guideline relevant to this restriction, Prohibits Use of Federal Funding for Abortion Services.

#### 6.6 Ban on Funding of Human Embryo Research

PHSKC shall not use federal grant funds for (i) the creation of human embryos for research purposes; or (ii) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

#### 6.7 Limitations on Use of Grant Funds for Promotion of Legalization of Controlled Substances

PHSKC shall not use federal grant funds to promote the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act.

#### 6.8 Restriction of Pornography on Computer Networks

PHSKC shall not use federal grant funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

#### 6.9 Restriction on Funding ACORN

PHSKC shall not provide any federal grant funds to the Association of Community Organizations for Reform Now (“ACORN”), or any of its affiliates, subsidiaries, allied organizations, or successors.

#### 6.10 Restriction on Distribution of Sterile Needles

PHSKC shall not use federal grant funds to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. Such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

#### 6.11 Confidentiality Agreements

PHSKC shall not use federal grant funds for a contract, grant or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. In addition, PHSKC shall not require its employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated

investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

## 7.0 PROCEDURES:

### 7.1 Review and Updates of this Policy and Procedure (P&P)

The PHSKC Financial Compliance and Grant Manager shall review this Policy upon the passage of a new HHS Appropriations Act or issuance of HRSA guidance regarding the Legislative Mandates, and shall ensure this P&P is updated as necessary. As Appropriations Acts are generally enacted annually, this P&P will generally require annual review.

### 7.2 Training

The PHSKC Financial Compliance and Grant Manager shall ensure that the appropriate personnel receive training regarding the Legislative Mandates and the procedures set forth in this P&P.

### 7.3 Financial Management

7.3.1 The Chief Financial Officer (“CFO”) shall ensure that PHSKC’s financial management systems and procedures are structured to ensure that no federal grant funds are used for purposes that are impermissible under this P&P. As necessary, the CFO may establish cost centers/accounts for the accumulation and segregation of such costs. The CFO may use any practical means to do so, consistent with PHSKC’s financial management policies (including by establishing appropriate cost centers and associated accounts to accumulate and segregate the following costs where necessary). Through this process, PHSKC will adhere to the Legislative Mandates restrictions on use of federal funds for:

7.3.1.1 “Lobbying” or other “advocacy” activities that may meet the definitions of the applicable Legislative Mandate sections (as well as 45 C.F.R. § 75.450) (including certain advocacy relating to gun control, legalization of controlled substances, consumer products, and other advocacy);

7.3.1.2 Payment of a salary (or associated fringe benefits) at a rate in excess of the Federal Executive Level II pay scale;

7.3.1.3 Abortions or health benefits coverage that includes coverage of abortion (this restriction shall not apply to abortions (or health benefits coverage of abortions) that fall within the Hyde Amendment exceptions);

7.3.1.4 Activities related to distribution of sterile needles for hypodermic injection of any illegal drug;

7.3.1.5 Human embryo research; and

7.3.1.6 Business transactions with (including the funding of) the Association of Community Organizations for Reform Now (“ACORN”).

- 7.3.2 In addition, PHSKC shall follow the principles and standards set in 45 CFR Part 75 Subpart E and in accordance with the terms and conditions of the Federal award in determining allowable costs under federal financial assistance awards

7.4 Procurement and Acknowledgment of Federal Funding

All procurements directly attributable to the relevant federal awards will be conducted in a manner providing full and open competition and will only include costs allowable, consistent with Federal Cost Principles -45 CFR Part 75 Subpart E: Cost Principles.

All requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with federal money, shall appropriately cite the Federal source, in alignment with King County procurement policy.

**Action By:**

**Action:**