



## **POLICY AND PROCEDURE NOTICE: PPPN-069 and RPPN-027 LEGISLATIVE MANDATES**

**Summary and Purpose of PPN/RPPN:** To support compliance with the Consolidated Appropriations which includes 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.” The current Legislative Mandates remain in effect until a new Appropriations Act is passed setting a new list of requirements.

Fulton County is committed to high standards and compliance with all applicable laws and regulations.

The purpose of this policy and procedure is to provide safeguards to ensure Fulton County’s compliance with the Legislative Mandates.

### **Authority:**

- FY2018 Consolidated Appropriations Act (public Law 115-141)
- Division H, Title II
  - (1) Salary Limitation (Section 202)
  - (2) Gun Control (Section 210)
- Division H, Title V
  - (3) Anti-Lobbying (Section 503)
  - (4) Acknowledgment of Federal Funding (Section 505)
  - (5) Restriction on Abortions (Section 506)
  - (6) Exceptions to Restriction on Abortions (Section 507)
  - (7) Ban on Funding Human Embryo Research (Section 508)
  - (8) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances (Section 509)
  - (9) Restriction on Distribution of Sterile Needles (Section 520)
  - (10) Restriction of Pornography on Computer Networks (Section 521)
  - (11) Restriction on Funding ACORN (Section 522)
- Division E, Title VII
  - (12) Confidentiality Agreements (Section 743)

## POLICIES AND PROCEDURES

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- The Director, Department for HIV Elimination, shall annually develop a certification form to be signed by the County Manager assuring compliance with legislative mandates.
- The Department for HIV Elimination will maintain a copy of the assurance.
- The Director, Department for HIV Elimination, will ensure that subrecipients sign an assurance of compliance with legislative mandates.
- The current language is as follows:

### 1. Salary Limitation

Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds to pay the salary of an individual at a rate in excess of Executive Level II.

### 2. Gun Control

Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds to advocate or promote gun control.

### 3. Anti-Lobbying

A. Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds, other than for normal and recognized executive legislative relationships, for the following:

- i. For publicity or propaganda purposes;
- ii. 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;

B. Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds to pay the salary or expenses of any employee or agent of Fulton County's Ryan White Program and its subrecipients 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.

C. 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.

#### 4. Acknowledgment 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, Fulton County's Ryan White Program and its subrecipients shall clearly state:

- A. the percentage of the total costs of the program or project which will be financed with Federal money;
- B. the dollar amount of Federal funds for the project or program; and
- C. C. percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

#### 5. and 6. Restrictions on Abortions, and Exceptions to these Restrictions on Abortions

Fulton County's Ryan White Program and its subrecipients 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 coverage of abortions) that fall within the Hyde amendment exceptions.<sup>1</sup>

#### 7. Ban on Funding of Human Embryo Research

Fulton County's Ryan White Program and its subrecipients 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)).

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

Fulton County's Ryan White Program and its subrecipients 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.

#### 9. Restriction on Distribution of Sterile Needles

Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds to distribute sterile needles or syringes for the hypodermic injection of any illegal drug except as may be allowed under the Consolidated Appropriations Act, 2016 (Pub. L 114-113), signed by President Barack Obama in December 2015 unless otherwise approved by HHS and Fulton County.

#### 10. Restriction of Pornography on Computer Networks

Fulton County's Ryan White Program and its subrecipients shall not use federal grant funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

#### 11. Restriction on Funding ACORN

Fulton County's Ryan White Program and its subrecipients shall not provide any federal grant funds to the Association of Community Organizations for Reform Now ("ACORN"), or

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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.

any of its affiliates, subsidiaries, allied organizations, or successors. (12) Confidentiality Agreements [Health Center] 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.

## 12. Confidentiality Agreements

Fulton County's Ryan White Program and its subrecipients 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.

Approved: June 2019

Reviewed: April 2021