Legislative Mandates Restricting the Uses of Federal Grant Funds: 
Policy and Procedure

I. **Background: Compliance with Appropriations Act**

The Consolidated Appropriations Act 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."

II. **Statement of Purpose and Policy**

Texas Tech University Health Sciences Center’s Larry Combest Community Health and Wellness Center (TTUHSC LCCHWC) 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 TTUHSC LCCHWC’s compliance with the Legislative Mandates.

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

1. **Salary Limitation** (Section 202)
   TTUHSC LCCHWC 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** (Section 210)
   TTUHSC LCCHWC shall not use federal grant funds to advocate or promote gun control.

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 of Pornography on Computer Networks** (Section 520)

10. **Restriction on Funding ACORN** (Section 521)

11. **Restriction on Distribution of Sterile Needles** (Section 527)

12. **Confidentiality Agreements** (Section 742)
(3) **Anti-Lobbying**

A. TTUHSC LCCHWC 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. TTUHSC LCCHWC shall not use federal grant funds to pay the salary or expenses of any employee or agent of TTUHSC LCCHWC 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, TTUHSC LCCHWC 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. the 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**
TTUHSC LCCHWC 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.1

(7) **Ban on Funding of Human Embryo Research**

TTUHSC LCCHWC 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)).

For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of Consolidated Appropriations Act, 2020, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(8) **Limitations on Use of Grant Funds for Promotion of Legalization of Controlled Substances**

TTUHSC LCCHWC 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, except when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

(9) **Restriction of Pornography on Computer Networks**

TTUHSC LCCHWC shall not use federal grant funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this shall limit the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

(10) **Restriction on Funding ACORN**

TTUHSC LCCHWC 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.

(11) **Restriction on Distribution of Sterile Needles**

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1 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.
TTUHSC LCCHWC 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.

(12) Confidentiality Agreements
TTUHSC LCCHWC 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.
This does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

IV. Procedure

1. Review and Updates of this Policy and Procedure (P&P)

The Assistant Vice President for Sponsored Programs at Texas Tech University Health Sciences Center shall review this P&P 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. Any modifications to this P&P will require review and approval by TTUHSC LCCHWC’s Board of Directors.

2. Legislative Mandates Training

The Executive Director shall ensure that the key management team receives training regarding the Legislative Mandates and the procedures set forth in this P&P.

3. Compliance Program

This Legislative Mandates P&P will be incorporated into TTUHSC LCCHWC’s Compliance Program.

4. Financial Management

The Chief Financial Officer of TTUHSC (“CFO”) shall ensure that TTUHSC LCCHWC’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 TTUHSC LCCHWC’s CFO may establish cost centers/accounts for the accumulation and segregation of such costs. The TTUHSC LCCHWC’s CFO may use any practical means to do so, consistent with TTUHSC LCCHWC’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, TTUHSC LCCHWC will adhere to the Legislative Mandates restrictions on use of federal funds for:

i. “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);

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

iii. 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);

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

v. Human embryo research; and

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

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