**Lobbying and Political Campaign Activities:**

**Sample Policy and Procedure**[[1]](#footnote-1)

**Policy.**

Lobbying activities: It is the policy of [PCA-HCCN name] (“PCA-HCCN”) that any lobbying or political campaign activities undertaken by the PCA-HCCN (or by any employee, Board member, or other agent of the PCA-HCCN, on behalf of the PCA-HCCN) shall comply with the applicable federal and/or state requirements, including those established under the Internal Revenue Code, the Lobbying Disclosure Act of 1995, as amended, the Federal Election Campaign Act, and the Byrd Anti-Lobbying Amendment.

Political campaign activities: The PCA-HCCN (and any employee, Board member or other agent, acting on behalf of the PCA-HCCN) is absolutely prohibited from participating or intervening in any political campaign. A “political campaign” shall be deemed to begin when an individual announces his or her candidacy for an elective public office, or is proposed by others for an elective public office***.***

Expenditure of federal funds: The PCA-HCCN prohibits the expenditure of any federal funds received by the PCA-HCCN as the recipient of a federal contract, grant, loan or cooperative agreement for lobbying or political campaign activities. In addition, no federal funds shall be used to pay any person or organization for influencing or attempting to influence an officer or employee of an agency or member of Congress (or employee of a member of Congress) with respect to: (i) the awarding of any federal contract; (ii) the making of any federal grant; (iii) the making of any federal loan; (iv) the entering into of any cooperative agreement; or (v) the extension or modification of any federal contract, grant, loan or cooperative agreement.

Reporting: The PCA-HCCN shall ensure that all disclosures of lobbying which are required by law are submitted in a timely manner.

Nothing in this policy shall preclude an employee, Board member or other agent of the PCA-HCCN from engaging in political campaign activities or lobbying activities on his or her own time provided that the PCA-HCCN is not identified in connection with such activities and provided that PCA-HCCN funds and other resources are not used in connection with such activities.

# **Procedure.[[2]](#footnote-2)**

**1. Political campaign activities.** The PCA-HCCN will take affirmative action, periodically and as appropriate, to ensure that neither it, nor any PCA-HCCN affiliates, employees or agents acting on behalf of the PCA-HCCN, endorse or oppose any candidate for elective public office, or in any way, participate in any political campaign.

**2. Lobbying activities.** The PCA-HCCN will take affirmative action, periodically and as appropriate, to ensure that neither it, nor any PCA-HCCN affiliates, employees or agents acting on behalf of the PCA-HCCN, engage in or devote a substantial part of PCA-HCCN activities or resources to lobbying activities, which activities are defined as supporting or opposing local, state or federal legislation, without the specific prior approval of the Executive Director**.** If the Executive Director deems it necessary or appropriate, s/he shall consult with qualified legal counsel regarding legal issues such as whether the proposed activities are considered lobbying under applicable law and/or the potential effects of such activity *vis-à-vis* the PCA-HCCN’s status as a tax-exempt organization. Moreover, the Executive Director, or his/her designee, will take affirmative action to ensure that such activities are supported by non-federal resources, as may be necessary to comply with this policy.

**3. Sub-Grantees and Sub-Contractors.** The PCA-HCCN will take affirmative action, periodically and as appropriate, to ensure that all agreements with sub-grantees and sub-contractors, whereby such organizations or individuals are awarded amounts exceeding $100,000 shall contain a provision requiring the sub-grantee and/or sub-contractor:

1. To file all certification and/or necessary disclosures regarding lobbying activities to the appropriate federal agency in the forms set forth in the implementing federal regulation at 45 C.F.R. Part 93; and
2. To submit a copy of such certifications and disclosures to the PCA-HCCN.

The PCA-HCCN will periodically conduct an evaluation of such agreements and relevant files to ensure that such certification and disclosure requirements have been met.

**4. Disclosures.** The PCA-HCCN will ensure that all disclosures and reporting of lobbying activities which are required by state or federal law are submitted in a timely manner.

**This policy and procedure shall be periodically reviewed and updated consistent with the requirements and standards established by the Board of Directors and PCA-HCCN management, federal and state laws and regulations, and applicable accrediting and review organizations.**

**Responsible parties:**

### Signature Date

### Executive Director

Signature Date

1. The Authors of these materials include attorneys at the law firm of Feldesman Tucker Leifer Fidell LLP. The sample documents offer general guidance based on federal law and regulations and do not necessarily apply to all PCAs-HCCNs under all facts and circumstances. Further, these materials do not replace, and are not a substitute for, legal advice from qualified legal counsel. [↑](#footnote-ref-1)
2. Authors’ note: Using the following sample as a guide, PCAs-HCCNs should tailor the procedure to reflect their own structures and operations. [↑](#footnote-ref-2)