

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

SUBJECT: Lobbying

EFFECTIVE: This policy circular shall become effective February 1, 1985, and shall be implemented immediately.

PROMULGATED: February 1, 1985

The purpose of this circular is to identify those lobbying activities which are unallowable costs. The contents of this circular are based on a revision of federal OMB Circular A-122, "Cost Principles for Non-Profit Organizations", Lobbying and Related Activities, published in the Federal Register Volume 49, Number 83, April 27, 1984. This policy does not limit a Provider Agency's ability to engage in any lobbying activities. Rather, the circular specifies which activities the Department will fund. A Provider Agency may engage in other lobbying activities and fund these activities from another source.

I. SCOPE

This policy circular applies to all Provider Agencies with Cost-Related social services and training Contracts.

II. POLICY

- A. Costs associated with the following lobbying activities are unallowable:
1. Any attempt to influence the outcome of any federal, State, or local election, referendum, initiative, or similar procedures through in-kind or cash contributions, endorsements, publicity or similar activity;
 2. Establishing, administering, contributing to or paying the expense of a political party, campaign, political action committee or other organization established for the purpose of influencing the outcome of any election;
 3. Any attempt to influence the introduction of federal or State legislation or the enactment or modification of pending federal or State legislation through communication with a member or employee of the United States Congress or State legislature (including

efforts to influence State or local officials to engage in similar lobbying activity), or with a government official or employee in connection with a decision to sign or veto enrolled legislation;

4. Any attempt to influence the introduction of federal or State legislation or the enactment or modification of pending federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging other persons to contribute to or participate in any mass demonstration, march, rally, fund-raising drive, lobbying campaign, letter writing, telephone campaign; or
5. Legislative liaison activities, including attending legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when the activities are carried on in support of or in preparation for an effort to engage in unallowable lobbying.

B. Costs associated with the following lobbying activities are allowable:

1. Providing technical and factual information to the United States Congress or the State legislature on a topic directly related to the performance of a Contract if:
 - a) the information is given in response to a documented request;
 - b) the information is readily obtainable and can be readily put in deliverable form; and
 - c) costs for travel, lodging or meals are incurred to offer testimony at a regularly scheduled Congressional hearing in response to a written request from the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting the hearing.
2. Any attempt to influence State legislation in order to directly reduce the cost or to avoid material impairment of the Provider Agency's authority to perform the Contract.
3. Any activity specifically authorized by statute to be undertaken with funds from the Contract.

III. PROCEDURES

- A. Unallowable lobbying costs, as identified in Section A, must be treated as other unallowable activity costs in accordance with the Contract_Reimbursement Manual.
- B. Time logs, calendars or similar records documenting the portion of an employee's time that is treated as an indirect cost shall not be required for the purposes of complying with this circular, unless:
 - 1. during any calendar month, the employee engages in allowable and unallowable lobbying activities which together total more than 25% of his/her compensated hours of employment;
 - 2. during the previous five-year period, the Provider Agency has at any time materially misstated allowable or unallowable costs.

Issued by:

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