



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

Manual:	CON	Contracting	Effective Date:
Volume:	I	Contract Policy and Information Manual (CPIM)	
Chapter:	A	Contract Policy and Information	8-31-2007
Subchapter:	4	Fiscal Standards and Information	
Issuance:	4.16.2007	Restrictions on the Use of Federal Funds to Influence the Awarding of Contracts or Subcontracts (Federal Lobbying)	Revised:

I. PURPOSE

The purpose of this policy is to establish Department policy with regard to the federal Interim Final Rule promulgated by the Federal Office of Management and Budget. The policy prohibits Recipients and Subrecipients from using appropriated federal funds for lobbying the Executive or Legislative Branches of the federal government in connection with any specific Contract or subcontract.

II. SCOPE

This policy applies to all Provider Agencies that receive in excess of \$100,000 in federal funding via a specific federal grant program, contract, or cooperative agreement from a Departmental Component(s) through a Contract or subcontract.

III. DEFINITIONS

In addition to the defined terms included in the Glossary of the Manual, the following terms, when capitalized, shall have meanings as stated.

Federal Government Executive and Legislative Branch(es) means an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress.

Person means an individual, corporation, company, association, authority, firm, partnership, society, state, local government or organization.

Recipient (Contractee or Provider Agency) means the legal entity that enters into a contractual arrangement with any Departmental Component.

Subrecipient (Subcontractee) means the legal entity that enters into a contractual arrangement with a Contractee or another Subcontractee, no matter how many interceding administrative Tiers (levels) separate the parties.

Tier means each successive, separate level of administrative organization beginning with the Department of Children and Families and ending with the provider of service.

IV. POLICY

- A. Pursuant to Section 319 of Public Law 101-121, Title 31 of the United States Code, as amended per Section 1352, all Recipients and Subrecipients of federal grant, contract, or cooperative agreement funding are prohibited from using appropriated federal funds to pay a Person to lobby on their behalf with the Executive or Legislative Branch(es) of the federal government in the awarding of a specific Contract or subcontract.
- B. All Recipients and Subrecipients that request or receive in excess of \$100,000 from a specific federal grant, contract, or cooperative agreement through a Departmental Component Contract or Tier subcontract, shall complete and forward to the Tier directly above, a [Certification Regarding Lobbying form \(Attachment 1\)](#) covering the term of the Contract or subcontract. The Certification Regarding Lobbying form certifies that no federal appropriated funding at the Recipient or Subrecipient level was used to pay a Person to lobby the Executive or Legislative Branch(es) of the federal government.
- C. All Recipients and Subrecipients that request or receive in excess of \$100,000 from a specific federal grant, contract or cooperative agreement through a Departmental Component Contract or Tier subcontract shall also complete and forward to the Tier directly above a [Disclosure of Lobbying Activities form \(Attachment 2\)](#) covering the term of the Contract or subcontract when non-federal funds were used to pay a Person to lobby the Executive or Legislative Branch(es) of the federal government. (This form can be found on-line at the General Services Administration (GSA) Forms Library or at <http://www.whitehouse.gov/omb/grants/sflllin.pdf>.)
- D. A Disclosure of Lobbying Activities form must be completed at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under section IV.C above. Materiality includes:
 - 1. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered federal action;

2. A change in the Person(s) or individual(s) influencing or attempting to influence a covered federal action; and
 3. A change in the officer(s), employee(s), or Member(s) of Congress contacted to influence or attempt to influence a covered federal action.
- E. A separate certification form is required for each specific federal grant, contract or cooperative agreement amount in excess of \$100,000 funded per Contract or subcontract. Federal grant, contract or cooperative agreement funding amounts in a Department Contract or Tier subcontract shall not be added together to provide "cumulative" totals for determining federal lobbying applicability. The Departmental Component shall notify the Contractee of the total federal grant, contract or cooperative agreement funding in the Contract that is subject to the Lobbying regulations.
- F. If a subsequent Contract Modification during a Contract, or subcontract term causes the federal funding to exceed \$100,000 during the term, a Recipient or Subrecipient shall complete and forward a certification, and if required, a completed disclosure form to the Tier above.
- G. The Departmental Component shall ensure that all applicable ensuing Tiers (Contractee or Subcontractee) are notified of all federal lobbying form(s) and filing requirements. This responsibility includes the obligation to make it clear to the next lower Tier that the information must be passed to each subsequent Tier thereafter until the eventual provider of service has been contacted.
- H. Submitting an erroneous certification or disclosure form shall constitute a failure to file the required certification or disclosure. If a Person fails to file a required certification or disclosure, the United States or the Department of Children and Families may pursue all available remedies, including those listed in [Attachment 3](#) of this policy, as authorized by section 1352, Title 31, of the United States Code.

V. PROCEDURES

- A. All Recipients and Subrecipients shall complete and sign the Certification Regarding Lobbying form. The completed form shall be sent to the Tier above it; however, the form does not have to be forwarded any further. All Tiers that receive the Certification Regarding Lobbying form shall keep the completed form on file with their Contract documents.
- B. When Recipients or Subrecipients are required to complete the Disclosure of Lobbying Activities form, the form shall be forwarded to each successive Tier until it reaches the appropriate Departmental Component. The Disclosure of Lobbying Activities form(s) from the last non-Departmental Tier must be

submitted to the Departmental Component to allow sufficient time to transmit all required information to the federal government.

- C. If there is a Cognizant Contract, the Cognizant contract administrator shall be responsible for placing the completed Certification Regarding Lobbying form and a copy of the Disclosure of Lobbying Activities form, if required, in the Cognizant contract file. The Cognizant contract administrator shall forward the disclosure form to the Departmental Component of origin (non-cognizant division). The Departmental Component of origin shall forward the completed Disclosure of Lobbying Activities form to the appropriate Health & Human Services section of the federal government.
- D. The completed Disclosure of Lobbying Activities form(s) shall be compiled, collated and submitted by the Departmental Component on a calendar quarterly basis to the appropriate grant making section of the U.S. Department of Health and Human Services.

Commissioner