



Lobbying

- The Anti-Lobbying Act was amended in 2002 to prohibit federal grantees from using federal funds to lobby governments at any level – including tribal governments - not just Congress. [18 USC 1913]
- VAWA 2005 reiterates that this prohibition applies to VAWA grant programs. [42 USC 13925(b)(10)]

Lobbying

The Anti-Lobbying Act provides:

- No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, **a jurisdiction, or any official of any government**, to favor, **adopt**, or oppose, by vote or otherwise, any legislation, **law, ratification, policy**, or appropriation, whether before or after the introduction of any bill, **measure**, or resolution proposing such legislation, **law, ratification, policy**, or appropriation[.]

18 USC 1913 (additions in bold)

Lobbying

- 31 USC 1352 also prohibits grantees from expending federal funds for lobbying in connection with particular federal actions:
 - Contracts
 - Loans
 - Grants
 - Modification, extension, renewal, continuation, or amendment of any of the above
- Lobbying activities are unallowable costs under OMB Circular A-122

Lobbying

- What you *can* do without violating anti-lobbying prohibition:
 - Collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking [42 USC 13295(b)(3)]
 - Note: This is a limited exception to interactions otherwise prohibited by 18 USC 1913; collaboration and a mutual willingness to cooperate is required.



Lobbying

- What else you *can* do as a tribal coalition without violating anti-lobbying prohibition:
 - Identify tribal codes that embody best practices
 - Educate policymakers about options for revisions
 - Lobby with non-federal funds

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- What **TRIBAL GOVERNMENTS** can do without violating anti-lobbying prohibition:
 - Use grant funds to develop tribal laws, but **NOT** to present these proposals to tribal legislators

Lobbying

- What you *cannot* do with federal funds:
 - Address the merits of specific legislation
 - Advocate specific legislative changes at the state, tribal, or federal level
 - Encourage grass roots lobbying for legislative change

Note: It doesn't matter whether a piece of legislation, appropriation, etc. is pending before the legislature.

Lobbying – Parting Thoughts

- Significant penalties for violations of Anti-Lobbying Act:
 - civil penalties of between \$10,000 and \$100,000 per each individual occurrence of lobbying activity
- Keep detailed records if non-federal funds are used to lobby.
- Contact OVW if you have any question whether activity is permissible with grant funds.