U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Certification of Compliance with 8 U.S.C. § 1373 by Prospective Subrecipient: Recipient subaward to a Government Entity

On behalf of the applicant government entity named below as the "prospective subrecipient," and in support of its request to the "Recipient" identified below for a subaward from the grant awarded by the U.S. Department of Justice ("USDOJ") under the FY 2018 OJP Program identified below ("OJP Program"), I certify to the Recipient, and also to the Office of Justice Programs ("OJP"), USDOJ, that all of the following are true and correct:

(1) I am the chief legal officer of the government entity named below as the prospective subrecipient, and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the "prospective subrecipient"). I understand that OJP will rely upon this certification as a material representation in any decision to make a subaward to the prospective subrecipient.

(2) I have carefully reviewed 8 U.S.C. § 1373(a) and (b), including the prohibitions on certain actions by State and local government entities, -agencies, and -officials with respect to information regarding citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition … and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. § 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.

(3) I (and also the prospective subrecipient) understand that if the prospective subrecipient receives a subaward under the OJP Program—

(a) the subrecipient (and agencies or other entities thereof) must comply with 8 U.S.C. § 1373, throughout the period of performance for the subaward, with respect to any "program or activity" funded in whole or in part with the subaward; and

(b) the subrecipient may not make a lower-tier subaward to a State or local government, or to a "public" institution of higher education, unless the subrecipient first obtains a certification of compliance with 8 U.S.C. § 1373 (on a form provided by USDOJ), properly executed by the chief legal officer of the jurisdiction or educational institution that would receive it.

(4) I (and also the prospective subrecipient) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (i.e., one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.

(5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning the following (which, for the specific purpose of this paragraph (5) shall not be understood to include any "program or activity" of any planned subrecipient of a lower-tier subaward):

(a) the "program or activity" to be funded (in whole or in part) with the subaward sought by the prospective subrecipient under this FY 2018 OJP Program; and

(b) any prohibitions or restrictions potentially applicable to the "program or activity" to be funded with that subaward (if received) that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. § 1373(a) or (b), whether imposed by a State or local government entity, -agency, or -official.

(6) As of the date of this certification, neither the prospective subrecipient nor any entity, agency, or official of the prospective subrecipient has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part with the requested subaward (which, for the specific purpose of this paragraph (6), shall not be understood to include any such "program or activity" of any planned subrecipient of a lower-tier subaward), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. § 1373(a); or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

Government entity that is the "prospective subrecipient" of a subaward of funds from the FY 2018 OJP Program identified below	Recipient from which the prospective subrecipient seeks a subaward under the FY 2018 OJP Program identified below
Signature of chief legal officer of the prospective subrecipient	Printed name of chief legal officer of the prospective subrecipient
Title of chief legal officer of the prospective subrecipient	Date of Certification

FY 2018 OJP Program: **Project Safe Neighborhoods ("PSN") Program**