



## Coordinated Tribal Assistance Solicitation

### Certifications

#### **Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; Federal Taxes and Assessments; Drug-Free Workplace Requirements; Coordination with Affected Agencies**

Although the U.S. Department of Justice (DOJ) has made every effort to simplify the application process, federal law requires that an applicant must provide with its application a certification as to certain matters in order to be eligible to receive a federal grant or cooperative agreement. Applicants are expected to read carefully the certification requirements as set forth below—and any cited statute, regulation, or other material—before determining whether a certification properly may be made. (As an example, the applicant should first determine whether any condition legally required to be met has been met, such that an applicant's certification as to the condition would be verifiably accurate and true.)

Any certification that the applicant submits must be executed by an official who is both familiar with the requirements of the certification and authorized to make the certification on behalf of the applicant.

Elections or other selections of new officials—that is, changes in authorized representatives, such as a chief executive officer authorized to bind or otherwise act on behalf of the applicant—will not relieve the applicant of its obligations under any grant or cooperative agreement if funded.

Where the applicant is unable to make a certification or provide an assurance set out in this form, the applicant may still apply but is to attach an explanation to this application regarding the particular certification that cannot be made or assurance that cannot be provided. The DOJ may not be able to make an award to an applicant that is unable to make certifications or provide assurances required by law as a condition of eligibility for a DOJ federal award.

The DOJ will treat the applicant's certifications, upon their submission with the application, as material representations of fact upon which the DOJ will rely in making any determination with respect to the application or in making any decision to award a federal grant or cooperative agreement to the applicant.

False statements or claims made in connection with DOJ grants (including cooperative agreements) may result in fines, imprisonment, debarment from participating in federal grants or contracts, or any other remedy available by law.

#### **1. Lobbying**

As a general matter, 18 U.S.C. § 1913 prohibits lobbying with federally appropriated funds, except where expressly authorized by law. In addition, under 31 U.S.C. § 1352, applicants (and recipients) are prohibited from using federal appropriations to influence certain federal transactions, specifically including federal grant and cooperative agreement actions. Indian tribes and tribal organizations are excluded from coverage under 31 U.S.C. § 1352 but only with respect to expenditures for purposes specified in 31 U.S.C. § 1352(a) that are permitted by other federal law. For these purposes, the terms "Indian tribe" and "tribal organization," respectively, have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5304). Although Indian tribes and tribal organizations are excluded from coverage as set forth under 31 U.S.C. § 1352, these entities still must obtain lobbying disclosure documentation and any required certifications from any subgrantees

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(recipients of a subaward (see “subaward” definition at 2 C.F.R. § 200.1)) or procurement contractors (recipients of a contract (see “contract” definition at 2 C.F.R. § 200.1) and their subcontractors) that would be required to report lobbying activities consistent with 31 U.S.C. § 1352.

As required by 31 U.S.C. § 1352 and implemented at 28 C.F.R. Part 69, the applicant certifies and assures (to the extent applicable) the following:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the applicant to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; or the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
  - B. If the applicant’s request for federal funds is in excess of \$100,000 and any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the applicant shall complete and submit Standard Form-LLL, “Disclosure of Lobbying Activities” in accordance with its (and any DOJ awarding agency’s) instructions.
  - C. The applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.
2. Debarment, Suspension, and Other Responsibility Matters (Direct Recipient)
- Pursuant to DOJ regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867 and other requirements for prospective participants in a primary tier “covered transaction” as defined at 2 C.F.R. § 2867.20(a), the applicant certifies that it and its principals for this covered transaction (that is, for the grant(s) or cooperative agreement(s) for which this application is being submitted)
- A. are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
  - B. have not within a three-year period preceding this application been convicted of a felony criminal violation under any federal law or been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, tribal, or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
  - C. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, tribal, or local) with commission of any of the offenses enumerated in paragraph (B) of this certification;
  - D. have not within a three-year period preceding this application had one or more public transactions (federal, state, tribal, or local) terminated for cause or default.

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Where the applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any federal law, the applicant also must disclose such felony criminal conviction in writing to DOJ (for OJP Applicants, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); or for COPS Office Applicants, to the COPS Office at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)), unless such disclosure has already been made.

### 3. Mandatory Disclosure

Pursuant to 2 CFR Part 2800, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the U.S. Department of Justice, and as set out at 2 C.F.R. § 200.113, the applicant certifies and assures that it

- A. has not violated any federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal grant or cooperative agreement;
- B. shall timely disclose in writing to the federal awarding agency or pass-through entity, as applicable, any violation of federal criminal law involving fraud, bribery, or gratuity that may potentially affect the federal grant or cooperative agreement;
- C. shall require that the language of this certification be included in the award documents for all subawards (as the term “Subaward” is defined at 2 C.F.R. § 200.1) and shall require that all subrecipients certify and disclose accordingly.

### 4. Federal Taxes and Assessments

- A. If applicable, an applicant who requests an award in excess of \$5,000,000 certifies that, to the best of its knowledge and belief, the applicant has filed all federal tax returns required during the three years preceding the certification; has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and has not, more than 90 days prior to certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a nonfrivolous administrative or judicial proceeding.
- B. If the applicant is a corporation, the applicant certifies that either (1) the corporation does not have any unpaid federal tax liability that has been assessed for which all judicial and administrative remedies have been exhausted or have lapsed and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability or (2) the corporation has provided written notice of such unpaid tax liability (or liabilities) to the DOJ awarding agency (for disclosure to OJP, in writing to OJP at [OJPcompliancereporting@usdoj.gov](mailto:OJPcompliancereporting@usdoj.gov); for disclosure to the COPS Office, in writing to the COPS Office at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)), and, after such disclosure, the applicant has received a specific written determination from the DOJ awarding agency that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

### 5. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103) and implemented at 28 CFR Part 83 for recipients (other than individuals), as defined at 28 C.F.R. § 83.660—

- A. The applicant certifies and assures that it will provide or will continue to provide a drug-free workplace by
  - i. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant’s (and, if funded, the recipient’s) workplace and specifying the actions that will be taken against employees for violation of such prohibition;

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- ii. establishing an ongoing drug-free awareness program to inform employees about
    - a. the dangers of drug abuse in the workplace;
    - b. the grantee's policy of maintaining a drug-free workplace;
    - c. any available drug counseling, rehabilitation and employee assistance programs; and
    - d. the penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;
  - iii. making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
  - iv. notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will
    - a. abide by the terms of the statement; and
    - b. notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - v. notifying the agency in writing within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee, to the following agencies, as applicable:

For COPS Office awards: COPS Office, 145 N Street, NE, Washington, DC, 20530  
For OJP awards: Office of Justice Programs, ATTN: Control Desk, 810 7th Street, NW, Washington, DC, 20531

Notice shall include the identification number(s) (that is, the DOJ awarding agency-assigned grant or cooperative agreement number) of each affected grant;
  - vi. taking one of the following actions within 30 calendar days of receiving notice under subparagraph (iv)(b) with respect to any employee who is so convicted:
    - a. Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended
    - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, tribal, or local health, law enforcement, or other appropriate agency;
  - vii. making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).
- B. The applicant further certifies and assures that it will identify all known workplaces under each DOJ award in accordance with the provisions at 28 C.F.R. § 83.230.
6. Coordination
- The Public Safety Partnership and Community Policing Act of 1994, as this Act specifies at 34 U.S.C. § 10382(c)(5), requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, Offices of the United States Attorneys; state, local, or tribal prosecutors; or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

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As the duly authorized representative of the applicant, I certify that (a) I am familiar with the requirements of these certifications and am authorized to make these certifications and provide these assurances and that (b) any statements or representations of fact contained herein have an adequate factual basis (as determined through inquiry, wherever appropriate) and are true and accurate to the best of my knowledge.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that DOJ's awards, including certifications provided in connection with such awards, are subject to review by the DOJ, including by its Office of the Inspector General.