

10 Attorneys for Plaintiffs, CITY OF SAN DIEGO and CITY OF SAN JOSE  
11 *[additional counsel on signature page]*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**16 | CITY OF SAN DIEGO and CITY OF SAN JOSE,**

Case No. '26CV615 CAB VET

Plaintiffs,

V.

19 UNITED STATES DEPARTMENT OF  
20 JUSTICE; PAMELA J. BONDI, in her  
21 official capacity; OFFICE OF JUSTICE  
22 PROGRAMS; MAUREEN A.  
23 HENNEBERG, in her official capacity,  
OFFICE OF JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION;  
EILEEN M. GARRY, in her official  
capacity,

# COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTIVE RELIEF

## Defendants.

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1 **INTRODUCTION**

2       1. In 1998, Congress authorized and appropriated funding for the Internet  
3 Crimes Against Children ("ICAC") Task Force Program, which provides federal  
4 resources to help local law enforcement agencies develop effective responses to  
5 online enticement of children by sexual predators, child exploitation, and child  
6 obscenity and pornography cases. The PROTECT Our Children Act of 2008 (Pub.  
7 L. No. 110-401, 122 Stat. 4229), codified at 34 U.S.C. §§ 21111-21117, established  
8 the National ICAC Task Force Program within the U.S. Department of Justice. The  
9 U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention  
10 ("OJJDP") is charged with administering these grants.

11       2. Plaintiffs, the City of San Diego and the City of San José, have long  
12 relied on ICAC grants and cooperative agreements with other law enforcement  
13 agencies ("ICAC Grants") issued pursuant to this program to support their  
14 respective police departments' vital public safety responsibilities on their regional  
15 Internet Crimes Against Children Task Forces, which protect children from online  
16 predators and investigate technology-facilitated child sexual exploitation.

17       3. Last year, each Plaintiff received an ICAC Grant award to support  
18 each of their respective law enforcement agency's ongoing efforts to combat child  
19 exploitation and respond to numerous internet crimes against children.

20       4. Defendants, however, have inserted in Plaintiffs' grant awards several  
21 unlawful conditions (together, the "Challenged Conditions") that Plaintiffs must  
22 accept to receive their awarded ICAC funding from Defendants.

23       5. The Challenged Conditions require Plaintiffs to: (a) be bound by to an  
24 interpretation of antidiscrimination law that is ambiguous, legally unsupported, and  
25 subject to funding restrictions ("Discrimination Condition"); and (b) agree to use  
26 funding in a manner that imposes Defendants' immigration policy and advances  
27 federal immigration enforcement ("Immigration Condition")—none of which relate  
28 to, or have any nexus to, the purpose of the ICAC grant program.

1       6.     Conditioning funding on unrelated, policy-driven grant conditions  
2 constitutes an impermissible attempt by Defendants to coerce localities into  
3 implementing the Executive's agenda, in contravention of the separation of powers  
4 and other bedrock principles of the U.S. Constitution, settled civil rights and  
5 antidiscrimination law, and the Administrative Procedure Act ("APA").

6       7.     In short, Plaintiffs are confronted with an untenable choice: either  
7     acquiesce to conditions that are unlawful and unconstitutional, or lose critically  
8     needed federal funds that enable local law enforcement to combat internet crimes  
9     against children and protect our community's most vulnerable members.

10       8. Accordingly, Plaintiffs bring this suit to challenge the imposition of  
11 the Challenged Conditions on their ICAC Grants. Plaintiffs seek and are entitled to  
12 a declaratory judgment that Defendants' adoption and application of the Challenged  
13 Conditions are unlawful, injunctive relief barring Defendants from applying or  
14 enforcing the Challenged Conditions in connection with Plaintiffs' ICAC Grant  
15 Awards, and an order vacating the Challenged Conditions under the APA.

## **JURISDICTION AND VENUE**

17 9. This Court has jurisdiction under Title 28 United States Code section  
18 1331 because this is a civil action arising under the Constitution and other laws of  
19 the United States.

20        10. In addition to its other remedial authorities, this Court has authority to  
21 issue declaratory relief under the Declaratory Judgment Act, Title 28 United States  
22 Code, sections 2201-02.

23        11.    Venue properly lies within the Southern District of California under  
24 Title 28 of the United States Code, sections 1391(b)(2) and 1391(e)(1) because  
25 Plaintiff City of San Diego is in this judicial district; no real property is involved;  
26 and a substantial part of the events or omissions giving rise to this action occurred  
27 in this District.

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1 **PARTIES**

2 **I. Plaintiffs**

3 12. Plaintiff City of San Diego ("San Diego") is a municipal corporation  
4 organized and existing under and by virtue of the laws of the State of California,  
5 and is a charter city.

6 13. Plaintiff City of San José ("San José") is a municipal corporation  
7 organized and existing under and by virtue of the laws of the State of California and  
8 is a charter city.

9 14. Plaintiffs have standing to bring this action because Defendants'  
10 adoption and imposition of the Challenged Conditions have injured, are injuring,  
11 and will continue to injure Plaintiffs unless and until application and enforcement  
12 of the Challenged Conditions are permanently enjoined.

13 **II. Defendants**

14 15. Defendant U.S. Department of Justice (the "DOJ") is an agency and  
15 executive department of the United States government. DOJ has the ultimate  
16 responsibility for implementing the federal grant programs at issue in this action.  
17 The DOJ is an "agency" within the meaning of the APA (5 U.S.C. § 701(b)(1)).

18 16. Defendant Pamela Bondi is the Attorney General of the United States.  
19 She is sued in her official capacity, in which capacity she is responsible for  
20 overseeing and administering all duties and programs of the DOJ, including the  
21 Office of Justice Programs and the Office of Juvenile Justice and Delinquency  
22 Prevention, the latter of which administers the grants at issue, except to the extent  
23 such activities are nondelegable by law.

24 17. Defendant Office of Justice Programs ("OJP") is an agency of the  
25 federal government within the DOJ. OJP is a grantmaking component of the  
26 Department of Justice. It houses the Department's criminal and juvenile justice-  
27 related science, statistics, and programmatic agencies. OJP's stated mission is to  
28 provide federal leadership in developing the nation's capacity to prevent and control

1 crime, improve the criminal and juvenile justice systems, increase knowledge about  
2 crime and related issues, and assist crime victims. OJP oversees the Office of  
3 Juvenile Justice and Delinquency Prevention. OJP is also an "agency" within the  
4 meaning of the APA (5 U.S.C. § 701(b)(1)).

5 18. Defendant Maureen A. Henneberg is the Principal Deputy Assistant  
6 Attorney General for OJP and is currently leading the Office of Justice Programs in  
7 an acting capacity. She is sued in her official capacity, in which capacity she is  
8 responsible for administering all duties and programs of OJP, except to the extent  
9 such activities are nondelegable by law.

10 19. Defendant Office of Juvenile Justice and Delinquency Prevention  
11 ("OJJDP") is an agency of the federal government within OJP. OJJDP administers  
12 the ICAC Task Force Program and the grants at issue in this suit. OJJDP is also an  
13 "agency" within the meaning of the APA (5 U.S.C. § 701(b)(1)).

14 20. Defendant Eileen M. Garry leads the Office of Juvenile Justice and  
15 Delinquency Prevention (OJJDP) in an acting capacity. She is sued in her official  
16 capacity, in which capacity she is responsible for administering all duties and  
17 programs of OJJDP, including the ICAC Task Force Program, except to the extent  
18 such activities are nondelegable by law.

19 **FACTUAL ALLEGATIONS**

20 **I. Congress Created ICAC Grants to Aid Local Law Enforcement in  
21 Combating Internet Crimes Against Children**

22 21. In 1998, Congress authorized the ICAC Task Force Program under  
23 Title I of the Departments of Commerce, Justice, and State, the Judiciary, and  
24 Related Agencies Appropriations Act, 1998. *See* 34 U.S.C. § 21112(a). In 2008,  
25 Congress enacted the PROTECT Our Children Act of 2008 (Pub. L. No. 110-401,  
26 Oct. 13, 2008, 122 Stat. 4229 (2008)), which established the National Internet  
27 Crimes Against Children Task Force Program within DOJ. *See* 34 U.S.C. § 21112.  
28 ///

1       22. The PROTECT Our Children Act established the ICAC Task Force  
2 Program as "a national program of State and local law enforcement task forces  
3 dedicated to developing effective responses to online enticement of children by  
4 sexual predators, child exploitation, and child obscenity and pornography cases." 34  
5 U.S.C. § 21112(a)(1). Congress expressed its "purpose and intent" is "to continue  
6 the ICAC Task Force Program," which is funded under title IV of the Juvenile  
7 Justice and Delinquency Prevention Act of 1974." *Id.* § 21112(a)(2).

8       23. Today, the ICAC Task Force Program is a national network of 61  
9 coordinated task forces, with at least one task force in each State as required by  
10 statute. *See* 34 U.S.C. § 21112(b)(1). These task forces are engaged in both  
11 proactive and reactive investigations, forensic examinations, and prosecutions of  
12 technology-facilitated child sexual exploitation cases.

13       24. Congress authorized the Attorney General to award grants to local  
14 ICAC task forces under Title 34, of the United States Code, section 21116. The  
15 statute specifies that grants "may be used to—(1) hire personnel, investigators,  
16 prosecutors, education specialists, and forensic specialists; (2) establish and support  
17 forensic laboratories utilized in Internet crimes against children investigations; (3)  
18 support investigations and prosecutions of Internet crimes against children; (4)  
19 conduct and assist with education programs to help children and parents protect  
20 themselves from Internet predators; (5) conduct and attend training sessions related  
21 to successful investigations and prosecutions of Internet crimes against children;  
22 and (6) fund any other activities directly related to preventing, investigating, or  
23 prosecuting Internet crimes against children." 34 U.S.C. § 21116(c).

24       25. Notably, Congress enumerated specific allowable uses for ICAC  
25 grants in 34 U.S.C. § 21116(c), and each enumerated use relates directly to the core  
26 mission of combating internet crimes against children. The final catchall provision  
27 permits funding only for "activities directly related to preventing, investigating, or  
28 prosecuting Internet crimes against children." *Id.* § 21116(c)(6). Congress did not

1 authorize the Attorney General to impose conditions unrelated to this core mission,  
2 nor did Congress delegate discretion to the DOJ to restrict grant funding based on  
3 providing unspecified access or notice to DHS agents, Defendants' interpretation of  
4 civil rights law, or any other policy objective extraneous to child protection.

5       26. The application requirements Congress specified Title 34, of the  
6 United States Code, section 21116(b) are similarly focused on the program's child  
7 protection mission. Applicants must "describe the activities for which assistance  
8 under this section is sought" and "provide such additional assurances as the  
9 Attorney General determines to be essential to ensure compliance with the  
10 requirements of this subchapter." *Id.* § 21116(b)(2). The assurances Congress  
11 authorized relate to compliance with "this subchapter" (*i.e.*, the ICAC statutory  
12 framework).

13       27. Congress further constrained DOJ's discretion in distributing ICAC  
14 grant funds by establishing a detailed formula-based allocation system. Under Title  
15 34, of the United States Code, section 21116(a)(2), at least 75 percent of  
16 appropriated funds must be distributed "pursuant to a funding formula established  
17 by the Attorney General in accordance with the requirements" specified by  
18 Congress. Congress did not leave the formula to the Attorney General's unfettered  
19 discretion; rather, Congress mandated that the formula (i) ensures each task force  
20 receives at least 0.5 percent of formula funds, and (ii) considers specific factors: the  
21 number of child exploitation prosecutions; the amount of training, technical  
22 assistance, and public education related to child exploitation offenses; state  
23 population; the number of investigative leads generated by the ICAC Data Network  
24 and other recognized networks; and the number of criminal cases referred for  
25 prosecution—all of which relate to the ICAC program's mission of child protection.  
26 *See id.* § 21116(a)(2)(B)(ii)(I)-(V).

27       28. The only discretionary factor Congress permitted is "such other criteria  
28 as the Attorney General determines demonstrate the level of need for additional

1 resources by a task force." *Id.* § 21116(a)(2)(B)(ii)(VI). This residual discretion is  
2 expressly tied to task force "need"—not to extraneous policy objectives like  
3 providing access to DHS agents or civil rights certifications unrelated to child  
4 protection. For the remaining 25% of funds distributed based on need, Congress  
5 similarly required the Attorney General to apply "criteria" that "shall include" the  
6 same child-protection-focused factors. *Id.* § 21116(a)(3)(A). By prescribing  
7 detailed, mission-focused criteria for fund distribution, Congress left no room for  
8 Defendants to impose conditions based on factors Congress did not authorize.

9        29. Congress has authorized significant appropriations to carry out the  
10 ICAC Task Force Program, including \$60,000,000 for each of fiscal years 2018  
11 through 2024. *See 34 U.S.C. § 21117(a)(10).* The DOJ administers ICAC Grants  
12 through OJJDP, which is a component of the Office of Justice Programs.

13        30. According to the Fiscal Year ("FY") 2025 ICAC Task Force Program  
14 Notice of Funding Opportunity ("NOFO"), the program "seeks applications for  
15 funding to help local law enforcement agencies develop effective responses to  
16 online enticement of children by sexual predators, child exploitation, and child  
17 obscenity and pornography cases." Exhibit A, FY25 ICAC NOFO at p. 8. The  
18 ICAC program encompasses "forensic and investigative components, training and  
19 technical assistance, victim services, and community education." *Id.*

## II. Plaintiffs Apply for and Receive ICAC Grants to Effectively Combat Internet Crimes Against Children

22        31. On March 15, 2025, Congress passed the Full-Year Continuing  
23 Appropriations and Extensions Act (Pub. L. No. 119-4, Mar. 15, 2025), allocating  
24 funding to OJJDP for the ICAC Task Force Program.

25        32. In November 2025, pursuant to that appropriation, the DOJ issued the  
26 NOFO for the FY25 ICAC Task Force Program.

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## A. San Diego Police Department

33. The San Diego Police Department ("SDPD") is a department of the City of San Diego and is the municipal local law enforcement agency with primary law enforcement authority for the public safety of around 1.4 million residents.

34. SDPD is the lead agency for the San Diego ICAC Task Force, which is comprised of over thirty local and federal law enforcement agencies, including but not limited to San Diego Sheriff's Office, Chula Vista Police Department, San Diego District Attorney's Office, San Diego County Probation Office, and San Diego Unified School District Police Department. SDPD's leadership and ongoing partnerships with other law enforcement agencies on the ICAC Task Force enhance their investigate responses to offenders who use the internet and online systems to sexually-exploit children, including online enticement of children, child sexual abuse material, and other types of internet crimes against children.

35. Online child exploitation is a rapidly escalating global threat, fueled by the widespread availability of digital technologies, anonymous communication platforms featuring end-to-end encrypted messaging and file sharing, and unregulated online spaces. By way of example, in 2009 alone, the San Diego Internet Crimes Against Children (SD ICAC) Task Force received 294 CyberTip reports from NCMEC, investigated 421 cases and made 44 arrests. In 2020, the SD ICAC received 5,884 CyberTip reports. By 2024, that number had increased to 11,036, and 2024's total was eclipsed in July of 2025. As of November 2025, the number of CyberTip reports received is projected to increase 105%.

36. The San Diego ICAC Task Force provides essential services to protect children from crimes in our entire region, such as: supporting investigations and prosecutions of internet crimes against children; conducting and assisting to implement education programs to help children and parents protect themselves from internet predators; and conducting trainings on successful investigations and prosecutions related to internet crimes against children. All of these services are

1 consistent with the statutory allowable uses under 34 U.S.C. § 21116(c).

2 37. ICAC Grant funding is critical to SDPD's ability to effectively combat  
3 internet crimes against children. Funding supports specialized forensic equipment  
4 necessary to examine digital devices and online evidence, trainings for investigators  
5 and forensic examiners, and community education programs.

6 38. On December 4, 2025, San Diego submitted its application for an  
7 ICAC Grant for the FY25 award period. San Diego sought a continuance of the  
8 previously awarded grant for an amount of \$581,664.00.

9 39. On December 23, 2025, the OJJDP approved San Diego's ICAC Grant  
10 Application and provided SDPD with a Pre-Acceptance Award Package ("San  
11 Diego ICAC Grant Award") for the amount requested. Exhibit B (San Diego ICAC  
12 Grant Award). The ICAC Grant Award, among other things, reiterates the purpose  
13 of the ICAC program, and lists terms and conditions that San Diego must agree to  
14 in order to accept the grant. The deadline for San Diego to accept this grant award  
15 is February 6, 2026.

16 **B. San José Police Department**

17 40. The San José Police Department ("SJPD") is a department of the City  
18 of San José.

19 41. SJPD is the lead agency for the Silicon Valley's regional ICAC Task  
20 Force ("SVICAC"). SVICAC serves eleven counties in the Bay Area, including  
21 Napa, Sonoma, Marin, Contra Costa, Alameda, San Francisco, San Mateo, Santa  
22 Clara, Santa Cruz, Monterey, and San Benito. The SVICAC Task Force is a joint  
23 operation in which all agencies act as partners in joint efforts to address internet  
24 crimes against children. SJPD dedicates four full-time child sexual exploitation  
25 investigators, three full-time computer forensic investigators to SVICAC.

26 42. SVICAC continues to experience a substantial and sustained increase  
27 in Cybertip volume and overall investigative demand. In 2020, SVICAC received  
28 7,221 Cybertips. That number nearly doubled to 13,439 in 2024 and more than

1 doubled again in 2025, reaching 30,602 reports – a 128% increase over 2024 and a  
2 324% increase since 2020. This sharp growth is largely attributable to the federal  
3 REPORT Act, which expanded mandatory reporting requirements for Electronic  
4 Service Providers. Cybertip volumes are expected to continue to rise as additional  
5 platforms strengthen compliance and reporting practices.

6 43. In the second quarter of the 2025-2026 fiscal year, SVICAC conducted  
7 69 presentations or trainings, reaching 1,046 attendees. It examined a total of  
8 27,450 GB of forensic data, which included 102 hard drives, 338 cell phones, 193  
9 thumb drives. It authored 375 search warrants and made 60 arrests

10 44. On or about December 8, 2025, San José submitted its application for  
11 an ICAC Grant for the FY25 award period. The proposed use of grant funds was to  
12 maintain and expand SVICAC to address technology-facilitated child exploitation  
13 and to prevent, interdict, and investigate ICAC offenses.

14 45. On December 23, 2025, the OJJDP approved San José's ICAC Grant  
15 Application and provided SJPD with a Pre-Acceptance Award Package for an  
16 award of \$641,658.00. Exhibit C (San José ICAC Grant Award). The ICAC Grant  
17 Award, among other things, reiterates the purpose of the ICAC program, and lists  
18 terms and conditions that San José must agree to in order to accept the grant. The  
19 deadline for San José to accept the grant award is February 6, 2026.

20 **III. The OJJDP Inserts Unlawful and Unconstitutional Conditions into  
21 Plaintiffs' Grant Awards**

22 46. Plaintiffs' ICAC Grant Awards include numerous conditions ("Grant  
23 Award Conditions") that San Diego and San José must accept in order to receive  
24 crucial funds to protect children. These Grant Award Conditions, in turn,  
25 incorporate by reference several other DOJ documents, conditioning Plaintiffs'  
26 acceptance of the grant awards on compliance with their terms.

27 47. The ICAC Grant Awards at issue contain several conditions that are  
28 arbitrary, vague, ambiguous, contradictory, and impose requirements unrelated to

1 the purpose of the ICAC Task Force Program, in contravention of congressional  
2 intent and authorization. These include (1) the Discrimination Condition (described  
3 in Part III.A below); and (2) the Immigration Condition (described in Part III.B  
4 below)—both of which are challenged as unconstitutional and unlawful.

5 **A. The Discrimination Conditions**

6 48. The General Conditions and Civil Rights Requirements for OJP  
7 Awards in FY 2025 and Condition 4 in the ICAC Grant Awards require that each  
8 Plaintiff "certifies that it does not operate any programs (including any such  
9 programs having components relating to diversity, equity, and inclusion) that  
10 violate any applicable Federal civil rights or nondiscrimination laws." *See* Exhibits  
11 B-C, D and E (Excerpts from General Conditions for OJP Awards in FY 2025;  
12 Civil Rights Requirements for OJP Awards; Plaintiff's ICAC Award Conditions).  
13 This condition further requires that Plaintiffs "agrees that its compliance with all  
14 applicable Federal civil rights and nondiscrimination laws is material to the  
15 government's decision to make this award and any payment thereunder, including  
16 for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812)." *See*  
17 Exhibits D and E.

18 49. Similar language is also included in the FY25 ICAC NOFO in a  
19 section entitled "Unallowable Uses of Funds," which purports to prohibit the use of  
20 ICAC funding for purposes that the Administration does not support. *See* Exhibit A.  
21 Specifically, the NOFO states the following are unallowable uses of funds:

22 "2. Out of program scope is any program or activity, at  
23 any tier that violates any applicable Federal civil rights or  
24 nondiscrimination law. This includes violations that – (1)  
25 indirectly violate the law, including by promoting or  
facilitating violations; or (2) unlawfully favor individuals  
in any race or protected group, including on a majority or  
minority, or privileged or unprivileged, basis, within a  
given area, population, or sector."

26  
27 50. These Discrimination Conditions are unlawful. Even though Plaintiffs  
28 have previously certified compliance with federal antidiscrimination and civil rights

1 laws as a condition of funding, Defendants have lately cast doubt on the well-  
2 established scope of what federal antidiscrimination and civil rights laws prohibit.  
3 For example, the DOJ has issued guidance that purports to describe what  
4 antidiscrimination law prohibits—but the reality is that DOJ adopts an ideological  
5 agenda that provides a contradictory and legally unsupported distortion of  
6 antidiscrimination law as prohibiting any program or activity that factors diversity,  
7 equity, or inclusion. *See Exhibit F (Bondi Memo).*

8 51. But that is not all. The Civil Rights Requirements for OJP Awards in  
9 FY 2025 further require: "Programs or activities, performed by recipients, including  
10 subrecipients, at any tier, that violate any applicable Federal civil rights or  
11 nondiscrimination laws are impermissible and will not be funded. A violation of  
12 Federal civil rights law could include promoting or facilitating the violation of these  
13 laws, or unlawfully favoring individuals based on their race or protected group,  
14 including on a majority or minority, or privileged or unprivileged, basis, within a  
15 given area, population, or sector." *See Exhibit D (Excerpt from Civil Rights*  
16 *Requirements for OJP Awards in FY 2025).*

17 52. This language, when read in context of the current Administration's  
18 broader efforts to redefine antidiscrimination law, creates substantial uncertainty  
19 about what activities are prohibited and what exact certifications Plaintiffs are  
20 making by accepting their ICAC grant awards.

21 53. Also, the Discrimination Condition is vague and ambiguous because it  
22 fails to make clear to a reasonable person in the position of a grantee what conduct  
23 is prohibited. The terms "diversity, equity, and inclusion" ("DEI") is capacious and  
24 reasonably understood to include conduct and speech that are lawful under the First  
25 Amendment and consistent with settled and longstanding understandings of civil  
26 rights law. The Supreme Court has never interpreted Title VI or other federal  
27 antidiscrimination statutes to prohibit "diversity, equity, and inclusion" programs.  
28 *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.,*

1 600 U.S. 181, 230-31 (2023) (clarifying that not all discussions of how race affects  
2 a person's life, "be it through discrimination, inspiration, or otherwise," are  
3 unlawful).

4 54. Indeed, case law rejects the Administration's unmoored assertions  
5 regarding antidiscrimination law with respect to DEI, and instead holds that neither  
6 the Constitution nor antidiscrimination law prohibits affinity groups and DEI  
7 trainings, whether by governmental or nongovernmental entities. *See, e.g., Diemert*  
8 *v. City of Seattle*, 776 F. Supp. 3d 922, 939-40 (W.D. Wash. 2025) (collecting  
9 cases).

10 55. The Discrimination Conditions also fail to specify clear standards for  
11 enforcement or determination by Defendants regarding what activities violate the  
12 Condition's prohibitions. The structure of the Condition affords unfettered  
13 discretion to Defendants to determine, based on their subjective interpretation,  
14 whether "any programs" the grantee operates—not just the activities supported by  
15 grant funding—violate antidiscrimination law as the Administration has  
16 reconceptualized it.

17 56. Last year, on July 29, 2025, Attorney General Bondi issued a  
18 memorandum entitled, "Guidance for Recipients of Federal Funding Regarding  
19 Unlawful Discrimination" ("Bondi Memo"). Directed to "all federal agencies" and  
20 applicable to all "[e]ntities that receive federal financial assistance . . . including . . .  
21 local governments," the Bondi Memo purports to "clarif[y] the application of  
22 federal antidiscrimination laws." Exhibit F (Bondi Memo) at p. 1.

23 57. The Bondi Memo suggests that any DEI program is discriminatory. It  
24 specifically asserts that practices and policies designed to support historically  
25 marginalized groups—such as training and educational programs—are unlawful  
26 and discriminatory under the current administration. *Id.*

27 58. Despite court decisions holding exactly to the contrary, the Bondi  
28 Memo contains conflicting guidance on antidiscrimination laws. For example, it

1 specifies that "[f]acially neutral criteria (e.g., 'cultural competence,' 'lived  
2 experience,' geographic targeting) that function as proxies for protected  
3 characteristics violate federal law if designed or applied with the intention of  
4 advantaging or disadvantaging individuals based on protected characteristics." But  
5 this is inconsistent and contradictory with U.S. Supreme Court precedent that has  
6 "consistently declined to find constitutionally suspect" the adoption of race-neutral  
7 criteria (even where the decision-maker was "well aware" the race-neutral criteria  
8 "correlated with race"). *Coal. for TJ v. Fairfax Cnty. Sch. Bd.*, 68 F.4th 864, 885-86  
9 (4th Cir. 2023) (citing *Tex. Dep't of Hous. & Cnty. Affs. v. Inclusive Cmty. Project, Inc.*, 576 U.S. 519, 545 (2015)).

10  
11 59. Defendants are thus weaponizing the Discrimination Condition to  
12 impose the Executive's unsubstantiated view and meaning of antidiscrimination  
13 laws. In doing so, they require certifying compliance with laws not as written by  
14 Congress and contrary to well-developed case law. As described above, the civil  
15 rights language in the Discrimination Condition is ambiguous and, when read in the  
16 context of the Bondi Memo and other administration guidance, creates substantial  
17 uncertainty for Plaintiffs about what specific activities are prohibited.

18 **B. The Immigration Conditions**

19 60. The FY25 ICAC NOFO includes a section entitled "Unallowable Uses  
20 of Funds" that purports to prohibit the use of ICAC funding for purposes contrary to  
21 Defendants' federal immigration enforcement policies and priorities. *See Exhibit A*  
22 p. 8. Specifically, the NOFO states that the following are "out of program scope and  
23 will not be funded":

24 "1. Out of program scope is any program or activity, at  
25 any tier that, directly or indirectly, violates (or promotes  
26 or facilitates the violation of) federal immigration law  
including by failing to . . . give access to DHS agents, or  
honor DHS requests and provide requested notice to  
DHS agents."

27

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1  
2 61. These Immigration Conditions have no nexus to the purpose of the  
3 ICAC grant program, which is to protect children from internet crimes. Congress  
4 has not conditioned ICAC funding on compliance with unclear requirements related  
5 to DHS. The imposition of these restrictions are coercive attempts by Defendants to  
6 require Plaintiffs' facilitation of federal enforcement of immigration laws by  
7 "giv[ing] access to DHS agents, or honor[ing] DHS requests and provid[ing]  
8 requested notice to DHS agents." But they represent unauthorized attempts by the  
9 Executive to impose policy preferences unrelated to child protection.

10 62. The Immigration Conditions are also vague and ambiguous because  
11 they fail to define or provide meaningful contours on the scope of terms including  
12 "give access," "honor," "requested notice." Plaintiffs cannot ascertain from these  
13 undefined terms what specific conduct is required or prohibited, what level of  
14 cooperation is demanded, or how these requirements relate to or affect its child  
15 protection mission under the ICAC program. Nor can Plaintiffs comprehend or  
16 determine what it means to, "at any tier," "indirectly" violate federal immigration  
17 law. These restrictions not only create substantial uncertainty, but also seek to  
18 commandeer Plaintiffs in furtherance of Defendants' immigration enforcement.

19 63. Importantly, both Plaintiffs identify as "Welcoming Cities" and adhere  
20 to federal and state law, including Senate Bill 54 (the California Values Act, Sen.  
21 Bill 54 (2017-2018 Reg. Sess.), Cal. Gov't Code § 7284 *et. seq.* ("SB 54"), which  
22 requires limiting the use of local resources to assist with federal civil immigration  
23 enforcement.

24 64. In 2017, the San Diego City Council adopted Resolution No. 313834,  
25 declaring San Diego as a "welcoming city that respects the dignity of all people and  
26 promotes programs and policies to foster inclusion for all." However, San Diego  
27 has no provision in its Charter relating to immigration or citizenship status and City  
28 employees, including its police force, have no additional restrictions under its

1 Charter or Municipal Code beyond that of state law.

2       65. Similarly, in 2007, the San José City Council adopted Resolution No.  
3 73677 to support public safety and immigrants by creating an environment where  
4 immigrants are not afraid to report crimes and interact with the police, fire  
5 department, or other City departments to obtain critical services. In 2018, the San  
6 José City Council in 2015 adopted Resolution No. 77517 identifying the City of  
7 San José as a “Welcoming City,” and affirming its commitment to build a  
8 community that recognized the contributions of all residents to enhance its  
9 economic growth, global competitiveness and prosperity. In February 2025, the San  
10 José City Council adopted Resolution No. 2025-19 and affirmed its commitment to  
11 preserve the safety and integrity of all its residents, regardless of national origin or  
12 legal status. Consistent with state law, San José determined that it can best protect  
13 the public safety of the entire community by not eroding the trust of its residents,  
14 and thereby discouraging the reporting of crimes or cooperation in prosecution of  
15 these crimes.

16       66. In complying with state law, Plaintiffs are preserving their scarce local  
17 resources while continuing to protect their local communities.

18       67. However, the Immigration Conditions are particularly troubling  
19 because they could be read to require Plaintiffs to comply with civil immigration  
20 detainer requests. Unlike a criminal warrant, a detainer request is not issued by a  
21 judge based on a finding of probable cause. It is simply a request by U.S.  
22 Immigration and Customs Enforcement (“ICE”) that a local law enforcement  
23 agency hold individuals after their release date to provide ICE extra time to decide  
24 whether to take those individuals into federal custody and then deport them.

25       68. It bears noting that compliance with ICE’s detainer requests would  
26 require localities to commit scarce law enforcement personnel and resources to  
27 track and respond to requests, detain individuals, and supervise individuals during  
28 their detention. And the federal government has made clear that the local agency

1 (which includes Plaintiffs) bears the financial burden of the detention, providing  
2 that “[n]o detainer issued as a result of a determination . . . shall incur any fiscal  
3 obligation on the part of the Department.” 8 C.F.R. § 287.7(e).

4       69. Further, courts have held that complying with civil immigration  
5 detainer requests, in the absence of a probable cause determination, violates the  
6 Fourth Amendment to the U.S. Constitution and could subject Plaintiffs to civil  
7 liability. *See Hernandez v. United States*, 939 F.3d 191, 200–01 (2nd Cir. 2019);  
8 *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015); *Miranda-Olivares v.*  
9 *Clackamas Cnty.*, No. 12-cv-02317-ST, 2014 WL 1414305, at \*9 (D. Or. Apr. 11,  
10 2014); *see also Melendres v. Arpaio*, 695 F.3d 990, 1000–01 (9th Cir. 2012)  
11 (applying the Fourth Amendment to immigration arrests).

12       70. And, to the extent Defendants’ restrictions require Plaintiffs to “honor”  
13 ICE detainees—even when they are not accompanied by a judicial warrant  
14 demonstrating that a neutral magistrate has determined there is probable cause to  
15 detain the individual—they would place Plaintiffs at great risk of violating the  
16 Fourth Amendment rights of the individuals of those detainees.

17       71. While Plaintiffs are not going to stand in the way of lawful federal  
18 immigration enforcement, neither must they be coerced to facilitate Defendants’  
19 enforcement of federal immigration laws as part of ICAC grant funds.

20       72. The Ninth Circuit has held that nothing in the Supremacy Clause or in  
21 any federal statute imposes an obligation on local governments to enforce federal  
22 immigration laws, and that to hold otherwise would violate the Tenth Amendment.  
23 *See United States v. California*, 921 F.3d 865, 890–91 (9th Cir. 2019) (involving a  
24 challenge to SB 54, a California law that limits cooperation with immigration  
25 enforcement).

26       ///

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28       ///

1                   **IV. Plaintiffs Face an Impossible Decision Between Agreeing to**  
2                   **Defendants' Unlawful ICAC Grant Conditions or Forgoing Much-**  
3                   **Needed Public Safety Funds to Protect Children**

4                   73. The Challenged Conditions leave Plaintiffs with an impossible choice.  
5                   On the one hand, if Plaintiffs decide to accept the much-needed grant funding to  
6                   protect children from internet crimes, they are at risk of facing civil and criminal  
7                   penalties should Defendants exploit the ambiguities and contradictions of the  
8                   Challenged Conditions. On the other hand, if Plaintiffs reject the Challenged  
9                   Conditions and thus give up the benefit of grant funds that enhance public safety,  
10                  they will need to reallocate funding from other essential public safety needs (if that  
11                  is possible under fiscal constraints) or be forced to halt or diminish ICAC  
12                  initiatives.

13                  74. Plaintiffs' risk is heightened because Defendants have crafted the  
14                  Challenged Conditions to expose grantees to liability under the False Claims Act.  
15                  That statute imposes substantial civil liability on "any person who . . . knowingly  
16                  presents, or causes to be presented, a false or fraudulent claim for payment or  
17                  approval." 31 U.S.C. § 3729(a). Both the federal government and any private  
18                  citizen may sue a recipient of federal funds for False Claims Act violations. *Id.* §  
19                  3730. If Plaintiffs are found to be liable, they face potential treble damages.  
20                  Concerningly, the same conduct—presentation of a false or fraudulent claim  
21                  material to the federal government's issuance of payment—may also give rise to  
22                  criminal liability, including up to five years imprisonment. 18 U.S.C. § 287.57.

23                  75. The threat of liability under the False Claims Act includes actions that  
24                  are lawful under the judiciary's interpretation of federal antidiscrimination law. It is  
25                  invariably harmful for any locality to face unwarranted threats of criminal  
26                  investigation or prosecution that could lead to significant economic consequences—  
27                  especially where the threat is both tangible and imminent.

28                  76. The current Administration has publicly declared the increased risks of  
liability. Specifically, the DOJ has formed a nationwide task force to target grantees

1 that sign these certifications, has described potential liability under the False Claims  
2 Act as a "weapon" it will deploy, and has "strongly encouraged" private parties to  
3 bring civil suits. In addition, the DOJ publicly announced the creation of a "Civil  
4 Rights Fraud Initiative" that will "utilize the False Claims Act to investigate and, as  
5 appropriate, pursue claims against any recipient of federal funds that knowingly  
6 violates civil rights laws" as meant by Defendants.

7       77. This threat is only underscored by Defendants' requirement that  
8 Plaintiffs agree to a condition certifying that compliance with federal  
9 antidiscrimination law is "material" for purposes of the False Claims Act.

10     78. The materiality requirements magnify the risk those Conditions pose.  
11 First, when a grant recipient cannot understand what the conditions require of them,  
12 they cannot possibly have "actual knowledge," "act in deliberate ignorance," or  
13 "act[] in reckless disregard" of their certification of compliance, a necessary  
14 element of the False Claims Act. *Universal Health Servs., Inc. v. United States*, 579  
15 U.S. 176, 191-92 (2016). Second, the requirement that grantees acquiesce to  
16 materiality elevates the Administration's evolving view of what the conditions  
17 require and what the law should be above settled pronouncements of what the law  
18 is—including the Supreme Court's recognition that contract language alone cannot  
19 establish that any given condition is material for purposes of the False Claims Act.  
20 *Id.* at 192-95. And third, treating a grantee's representations about its compliance  
21 with any of the Challenged Conditions as "material" would unmoor the False  
22 Claims Act's reach from any limitations. The Challenged Conditions have nothing  
23 to do with the ICAC grant, and their subject matters are mentioned nowhere in the  
24 governing statutes, so representations about those conditions simply cannot go "to  
25 the very essence of the bargain," as the Supreme Court requires. *Id.* at 194 n.5.

26     79. Yet rejecting the grant to avoid running afoul of the Challenged  
27 Conditions is also untenable. If San Diego cannot accept its ICAC Grant, SDPD  
28 does not currently have an alternative funding source to fill that gap. SDPD would

1 be forced to make a difficult decision on where to divert available funds. If SDPD  
2 is unable to reallocate money to support what the ICAC Grant would have funded,  
3 it may reduce the capacity of its ICAC Task Force. This would directly impact the  
4 San Diego's ability to investigate internet crimes against children and protect the  
5 community's most vulnerable members in the entire San Diego region. Similarly, if  
6 San José cannot accept its ICAC Grant, there are no other funds available to replace  
7 the ICAC Grant funds, and San José's ICAC program would be suspended.

8 **FIRST CAUSE OF ACTION**

9 ***Violation of Separation of Powers***

10 80. Plaintiffs reallege and incorporate by reference the allegations of the  
11 preceding paragraphs.

12 81. The Constitution vests Congress—not the Executive—with "[a]ll" of  
13 the federal government's "legislative Powers," which include the power to spend  
14 and appropriate federal grant funds. U.S. Const. art. I, § 1 (Spending Power); *id.* §  
15 8, cl. 1; *id.* § 9, cl. 7 (Appropriations Clause).

16 82. The Constitution "exclusively grants the power of the purse to  
17 Congress, not the President." *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1231  
18 (9th Cir. 2018). "Congress's power to spend is directly linked to its power to  
19 legislate. Incident to the spending power, Congress may attach conditions on the  
20 receipt of federal funds." *Id.* at 1231-32.

21 83. The "executive power" vested in the President does not include the  
22 power to attach conditions on the receipt of federal funds. To the contrary, "[t]here  
23 is no provision in the Constitution that authorizes the President to enact, to amend,  
24 or to repeal statutes." *City & Cnty. of S.F.*, 897 F.3d at 1232 (quoting *Clinton v.*  
25 *City of New York*, 524 U.S. 417, 438 (1998)).

26 84. Therefore, absent an express delegation, only Congress, not the  
27 Executive Branch, is entitled to attach conditions to federal funds.

28 ///

1       85. The separation of the legislative, executive, and judicial powers among  
2 the three branches is a central and core tenet of the U.S. Constitution.

3       86. Consistent with these principles, the Executive Branch acts at the  
4 "lowest ebb" of its constitutional power when it "takes measures incompatible with  
5 the express or implied will of Congress." *Youngstown Sheet & Tube Co. v. Sawyer*,  
6 343 U.S. 579, 637 (1952) (Jackson, J., concurring).

7       87. In leveraging its spending power under the Constitution, Congress has  
8 not conditioned the provision of funding for ICAC Grants on compliance with a  
9 prohibition on all forms of DEI policies and initiatives, DHS cooperation, or any of  
10 the other policies that Defendants seek or may seek in the future to impose on  
11 Plaintiffs through the Challenged Conditions. Nor has Congress delegated to  
12 Defendants the authority to attach any such conditions unilaterally.

13       88. To the contrary, Congress enumerated specific allowable uses for  
14 ICAC grants in 34 U.S.C. § 21116(c), and each enumerated use relates directly to  
15 the core mission of combating internet crimes against children. The final catchall  
16 provision permits funding only for "activities directly related to preventing,  
17 investigating, or prosecuting Internet crimes against children." *Id.* § 21116(c)(6).  
18 The Challenged Conditions bear no relationship to this statutory purpose.

19       89. Congress further specified in 34 U.S.C. § 21116(b)(2) that applicants  
20 must provide assurances "essential to ensure compliance with the requirements of  
21 this subchapter"—meaning the ICAC statutory framework focused on child  
22 protection—not assurances related to providing unspecified access or notice to  
23 DHS agents or the administration's policy preferences regarding civil rights law. By  
24 imposing conditions entirely unrelated to the purposes Congress specified,  
25 Defendants have exceeded the scope of any authority Congress granted and have  
26 effectively legislated new grant requirements that Congress never authorized.

27       90. The detailed formula-based allocation system Congress established in  
28 34 U.S.C. § 21116(a)(2)-(3) further demonstrates that Congress did not grant the

1 Attorney General broad discretion to impose conditions unrelated to the ICAC  
2 program's mission. Congress required that at least 75 percent of funds be distributed  
3 pursuant to a formula based on specific, mission-focused factors: state population,  
4 investigative leads from child exploitation databases, criminal case referrals,  
5 successful prosecutions, and training activities related to child exploitation.

6 91. The only residual discretion Congress granted was to consider criteria  
7 demonstrating a task force's "level of need for additional resources"—not criteria  
8 related to providing unspecified access or notice to DHS or diversity programs.  
9 Where Congress so carefully circumscribed the Attorney General's discretion in  
10 distributing funds, it cannot be presumed that Congress silently authorized the  
11 Attorney General to impose sweeping conditions based on policy objectives  
12 Congress never mentioned.

13 92. By imposing the Challenged Conditions on recipients, Defendants are  
14 unilaterally attaching new conditions to federal funds without constitutional  
15 authorization from Congress and in the absence of statutory authority.

16 93. For these reasons, Defendants' conditioning of Plaintiffs' ICAC Grants  
17 on compliance with the Challenged Conditions violates the constitutional  
18 separation of powers.

19 94. Defendants' violations have caused harm and will continue to cause  
20 harm to Plaintiffs for which no remedy other than an injunction is adequate.

21 **SECOND CAUSE OF ACTION**

22 ***Violation of Spending Power***

23 95. Plaintiffs reallege and incorporate by reference the allegations of the  
24 preceding paragraphs.

25 96. Congress's power to attach conditions to federal funding is "not  
26 unlimited . . . but is instead subject to several general restrictions." *S. Dakota v.*  
27 *Dole*, 483 U.S. 203, 207 (1987). The Challenged Conditions violate at least three of  
28 the Constitution's restrictions on the spending power.

1       97. First, the spending power requires grant recipients to have fair and  
2 advance notice of conditions that apply to federal funds so that recipients can  
3 "voluntarily and knowingly" decide whether to accept the funds. *Pennhurst State*  
4 *Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17, 25 (1981). The grant conditions must  
5 be set forth "unambiguously," because recipients "cannot knowingly accept  
6 conditions of which they are 'unaware' or which they are 'unable to ascertain.'"  
7 *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296 (2006)  
8 (quoting *Pennhurst*, 451 U.S. at 17.). As a corollary, the spending power prohibits  
9 the federal government from "surprising" grantees "with post acceptance or  
10 'retroactive' conditions." *Pennhurst*, 451 U.S. at 25.

11       98. Second, the government may only impose conditions on federal  
12 funding that are reasonably related to the federal interest in the project and the  
13 project's objectives. *Dole*, 483 U.S. at 207-08.

14       99. Third, the spending power "may not be used to induce [grantees] to  
15 engage in activities that would themselves be unconstitutional." *Id.* at 210.

16       100. As mentioned, Congress has not delegated authority to the Executive  
17 to condition ICAC Grants on recipients' agreement to terms prohibiting DEI  
18 statements and policies as conceived by the Administration or mandating access or  
19 notice to DHS agents. Even if Congress had delegated authority to Defendants, the  
20 Challenged Conditions would nonetheless be unlawful and unenforceable because  
21 they are ambiguous and are not germane to the purposes of the ICAC program.

22       a. **Ambiguity**

23       101. The Discrimination Condition is ambiguous and unascertainable. The  
24 well-settled statutory and judicial interpretations of civil rights and anti-  
25 discrimination laws have been upended by the Bondi Memo's vague and  
26 contradictory guidance, including the DOJ's threat to pursue False Claims Act  
27 litigation against localities whose policies are inconsistent with that guidance.

28       ///

1       102. Likewise, the Unallowable Use of Funds Restriction is ambiguous  
2 because the civil rights language, when read in the context of administration  
3 guidance, fails to clearly define what activities are prohibited.

4       **b. Germaneness**

5       103. The Challenged Conditions are not germane to the purposes of the  
6 ICAC Grants, the PROTECT Our Children Act (34 U.S.C. §§ 21111-21117, which  
7 authorizes the program), or the federal interest in the projects funded by the ICAC  
8 Grants, which pertain exclusively to protecting children from internet crimes.

9       104. Congress specified in 34 U.S.C. § 21116(c) six categories of allowable  
10 uses for ICAC grants: (1) hiring personnel, investigators, prosecutors, education  
11 specialists, and forensic specialists; (2) establishing and supporting forensic  
12 laboratories; (3) supporting investigations and prosecutions; (4) conducting  
13 education programs; (5) conducting and attending trainings; and (6) funding "any  
14 other activities directly related to preventing, investigating, or prosecuting Internet  
15 crimes against children." Each allowable use relates to the singular purpose of  
16 combating child exploitation. None relates to providing unspecified access or notice  
17 to DHS agents, and none contemplates conditioning funding on the recipient's  
18 compliance with the administration's interpretation of civil rights law.

19       105. The formula-based allocation system established in 34 U.S.C. §  
20 21116(a)(2) further illuminates what factors Congress considered germane to the  
21 ICAC program. Congress required the Attorney General to distribute at least 75  
22 percent of funds based on factors including: state population; investigative leads the  
23 ICAC Data Network and other networks; criminal cases referred for prosecution;  
24 successful child exploitation prosecutions; and training and public education related  
25 to child exploitation offenses. Every factor Congress specified relates to child  
26 protection. Congress did not include—and could not have intended to include—  
27 factors such as a task force's jurisdiction's policies on providing unspecified access  
28 or notice to DHS agents or its use of diversity programs. The Challenged

1 Conditions thus impose requirements based on factors that Congress, in its detailed  
2 statutory scheme, determined were not germane to the ICAC program.

3       106. The Immigration Conditions in the Unallowable Use of Funds  
4 Restriction regarding access to DHS agents and DHS requests have no nexus  
5 whatsoever to the purpose of the ICAC grant. A task force's policies regarding  
6 cooperation with federal immigration authorities bear no relationship to its ability  
7 to investigate online child predators, conduct forensic examinations of digital  
8 evidence, or educate children about internet safety. Congress created the ICAC  
9 program to "develop[] effective responses to online enticement of children by  
10 sexual predators, child exploitation, and child obscenity and pornography cases." 34  
11 U.S.C. § 21112(a)(1). Immigration enforcement is entirely outside this scope.

12       107. Similarly, the Discrimination Condition—with its vague references to  
13 programs "having components relating to diversity, equity, and inclusion"—is  
14 unrelated to the ICAC program's mission. Whether a task force or its operating  
15 entity has diversity initiatives or DEI training programs has no bearing on its  
16 effectiveness in protecting children from internet predators. Congress did not  
17 condition ICAC funding on any such certification, and the Attorney General lacks  
18 authority to impose conditions that Congress did not authorize and that serve policy  
19 objectives unrelated to the statutory purpose.

20       108. The Challenged Conditions are also not germane to the purposes of the  
21 ICAC program because they apply well beyond the activities funded by the grant  
22 program. Most of the Challenged Conditions apply to all activities and actions of  
23 Plaintiffs and are not limited to the programs funded by the grants. The lack of any  
24 reasonable relationship between the grants at issue and the Challenged Conditions  
25 is further underscored by this facially unlimited reach. That the Challenged  
26 Conditions apply well beyond the activities funded by the grant programs also  
27 demonstrates that the Challenged Conditions independently exceed the  
28 government's spending power because, on their face, the "conditions . . . seek to

1 leverage funding to regulate speech outside the contours of the program itself" and  
2 "outside the scope of the federally funded program." *Agency for Int'l Dev. v. All. for*  
3 *Open Soc'y Int'l, Inc.*, 570 U.S. 205, 215-16 (2013).

4 **c. Independent Constitutional Bar**

5 109. Under the "independent constitutional bar," the spending power "may  
6 not be used to induce [grantees] to engage in activities that would themselves be  
7 unconstitutional." *Dole*, 483 U.S. at 210.

8 110. The Challenged Conditions invite violations to the Constitution.

9 111. First, to the extent the Immigration Conditions in the Unallowable Use  
10 of Funds Restriction require grantees to "honor" ICE civil detainers, they invite  
11 Fourth Amendment violations. When a person's detention is continued based on an  
12 ICE detainer, they have been subjected to a new arrest, which the Fourth  
13 Amendment requires be independently supported by new probable cause. ICE civil  
14 detainer requests are administratively issued documents that are not reviewed by a  
15 neutral judicial officer to determine if they present or are supported by probable  
16 cause. Because the Challenged Conditions could be read to require Plaintiffs to  
17 honor ICE detainers even when they are not accompanied by a judicial warrant  
18 demonstrating that a neutral magistrate has determined that there is probable cause  
19 to detain the subject, they necessarily could place grantees in violation of the Fourth  
20 Amendment rights of the individuals of those detainees.

21 112. Second, the Discrimination Condition and the civil rights language in  
22 the Unallowable Use of Funds Restriction invite First Amendment violations. The  
23 terms DEI, DEIA and discriminatory equity ideology, as used in the Bondi Memo,  
24 embody and advance the Administration's viewpoints. These conditions require  
25 grantees broadly to not operate any programs that advance a viewpoint different  
26 from that of the Administration's. When providing financial support or entering  
27 into service agreements with third parties, the Challenged Conditions could be read  
28 to require grantees to select law enforcement partners based on those third parties'

1 viewpoints and speech on political matters and other matters of public concern, and  
2 to then police those third parties' viewpoints and speech. Such activities would  
3 squarely violate the First Amendment. *See Velazquez v. Legal Servs. Corp.*, 164  
4 F.3d 757, 767-71 (2d Cir. 1999), *aff'd*, 531 U.S. 533 (2001).

5 113. And third, the Challenged Conditions require grantees to violate  
6 fundamental separation of powers principles. They arrogate to the Executive the  
7 judicial power to say what the law is, forcing grantees to acquiesce to the Executive  
8 Branch's views of antidiscrimination law, and thus displacing authoritative judicial  
9 interpretation with Defendants' views, expressed by fiat. Constitutional principles  
10 prohibit grantees from disregarding judicial interpretation in favor of the Executive  
11 Branch's views. "[I]t is emphatically the province and duty of the judicial  
12 department to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137,  
13 177 (1803). The rule that the Challenged Conditions would impose on grantees—to  
14 acquiesce to executive rather than judicial interpretation of antidiscrimination  
15 laws—is incompatible with the "basic constitutional propositions" of the separation  
16 of powers. *See Cooper v. Aaron*, 358 U.S. 1, 17 (1958).

17 114. Defendants' violations of the Spending Power have caused harm and  
18 will continue to cause harm to Plaintiffs for which no remedy other than an  
19 injunction is adequate.

20 **THIRD CAUSE OF ACTION**

21 ***Violation of Due Process Clause of the Fifth Amendment:***

22 ***Unconstitutional Vagueness***

23 115. Plaintiffs reallege and incorporate by reference the allegations of the  
24 preceding paragraphs.

25 116. The Due Process Clause of the Fifth Amendment provides that "[n]o  
26 person shall . . . be deprived of life, liberty, or property, without due process of  
27 law[.]"

28 ///

1       117. Under this Clause, a governmental enactment is unconstitutionally  
2 vague if it "fails to provide a person of ordinary intelligence fair notice of what is  
3 prohibited, or is so standardless that it authorizes or encourages seriously  
4 discriminatory enforcement." *United States v. Williams*, 553 U.S. 285, 304 (2008).

5       118. Each of the Challenged Conditions is unconstitutionally vague.

6       119. The Discrimination Condition is vague and ambiguous because it fails  
7 to make clear to a reasonable person in the position of a grantee what conduct is  
8 prohibited and also fails to specify clear standards for enforcement or for  
9 determination by Defendants that grantees' activities violate the Condition's  
10 prohibitions. In light of the guidance of the Bondi Memo, the Discrimination  
11 Condition requires people of ordinary intelligence to guess as to what is prohibited.  
12 The Bondi Memo's interpretation of civil rights and antidiscrimination law is  
13 contrary to decades of jurisprudence. It is impossible for Plaintiffs to know what  
14 activities or programs might be deemed to violate the Discrimination Condition.

15       120. The Discrimination Conditions are vague in several respects. First, the  
16 terms DEI and DEIA are capacious and reasonably understood to include conduct  
17 and speech that are lawful under the First Amendment and settled with  
18 longstanding understandings of civil rights law. The Supreme Court has made clear  
19 that not all discussions of how race affects a person's life, "be it through  
20 discrimination, inspiration, or otherwise," are unlawful. *Students for Fair  
Admissions*, 600 U.S. 181, 230-31 (2023). Second, these conditions do not define  
22 the terms "operate" with respect to "program"; the terms "advance" and "promote"  
23 with respect to DEI, DEIA, or discriminatory equity ideology; or what it means for  
24 a program to have "components relating to" DEI. Third, the Condition affords  
25 unfettered discretion to Defendants to determine, based on their subjective  
26 interpretation, whether "any programs" the grantee operates—not just the activities  
27 supported by grant funds—violate antidiscrimination law as the Administration has  
28 reconceptualized it.

1        121. As a court observed in a similar context, "the express language of  
2 [such a] Certification Provision demands that federal contractors and grantees  
3 essentially certify that there is no 'DEI' (whatever the executive branch decides that  
4 means) in any aspect of their functioning, regardless of whether the DEI-related  
5 activities occur outside the scope of the federal funding," and the lack of clarity  
6 "makes unavoidable that agency decisionmakers will 'shap[e] a vague [order's]  
7 contours through their enforcement decisions.'" *Nat'l Ass'n of Diversity Officers in*  
8 *Higher Educ. v. Trump*, 767 F. Supp. 3d 243, 278, 281 (D. Md. 2025) (quoting  
9 *Sessions v. Dimaya*, 584 U.S. 148, 182 (2018) (Gorsuch, J., concurring)).

10        122. The Immigration Conditions in the Unallowable Use of Funds  
11        Restriction are vague and ambiguous because they fail to define or provide  
12        meaningful contours on the scope of important terms including "give access to DHS  
13        agents," "honor DHS requests," and what it means to "indirectly" violate federal  
14        immigration law or to "promote[] or facilitate[]" such a violation. Plaintiffs cannot  
15        ascertain from these terms what specific conduct is required or what level of  
16        cooperation is demanded from Defendants and another federal agency (DHS).

17        123. The resulting patchwork of requirements and instructions is a  
18 standardless landscape that invites Defendants to enforce the Challenged  
19 Conditions in an arbitrary fashion against Plaintiffs.

20 124. Defendants' violations of the Due Process Clause of the Fifth  
21 Amendment have caused harm and will continue to cause harm to Plaintiffs for  
22 which no remedy other than an injunction is adequate.

## FOURTH CAUSE OF ACTION

## *Violation of the Administrative Procedure Act: Arbitrary and Capricious*

25        125. Plaintiffs repeat and incorporate by reference each of the allegations of  
26 the prior paragraphs as if fully set forth herein.

27           126. Defendant DOJ is an "agency" as defined in the APA, 5 U.S.C. §  
28           551(1).

1       127. Final agency actions (1) "mark the 'consummation' of the agency's  
2 decision-making process" and (2) are ones "by which 'rights or obligations have  
3 been determined,' or from which 'legal consequences will flow.'" *Bennett v. Spear*,  
4 520 U.S. 154, 178 (1997).

5       128. Defendants' incorporation of the Challenged Conditions as  
6 requirements for acceptance of ICAC Grant Awards is a final agency action.

7       129. Under the APA, a "court shall . . . hold unlawful and set aside agency  
8 action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of  
9 discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

10       130. Defendants have provided no reasoned explanation or basis for their  
11 decision to incorporate the Challenged Conditions in ICAC Grant Awards. The  
12 Challenged Conditions have no reasonable connection or nexus to the purpose of  
13 protecting children from internet crimes as specified in the PROTECT Our Children  
14 Act, 34 U.S.C. §§ 21112, 21116. Defendants fail to explain how conditioning ICAC  
15 funds on compliance with providing unspecified access or notice to DHS agents or  
16 certification regarding diversity programs advances Congress's goal of "developing  
17 effective responses to online enticement of children by sexual predators, child  
18 exploitation, and child obscenity and pornography cases." 34 U.S.C. § 21112(a)(1).

19       131. Congress, in establishing the ICAC grant program, identified specific  
20 factors relevant to the distribution of funds: investigative leads from child  
21 exploitation databases, criminal case referrals, state population, successful  
22 prosecutions, and training activities. *See* 34 U.S.C. § 21116(a)(2)(B)(ii). These  
23 factors reflect Congress's considered judgment about what criteria are relevant to  
24 the ICAC program's mission. Defendants have entirely ignored Congress's  
25 judgment and instead imposed conditions based on factors—providing unspecified  
26 access or notice to DHS agents and civil rights certifications—that Congress never  
27 identified as relevant to combating internet crimes against children. Defendants  
28 have offered no explanation for this departure from the statutory scheme.

1        132. Defendants have ignored essential aspects of the "problem" they  
2 purport to address by incorporating the Challenged Conditions in ICAC Grant  
3 awards, including by failing to (a) explain the connection, if any, between the  
4 Challenged Conditions and the statutory purposes of the ICAC program; (b) assess  
5 which of these conditions are lawful and consistent with the authorizing statute and  
6 the Constitution; (c) consider Plaintiffs' reasonable and inevitable reliance on now  
7 at-risk funds; and (d) consider the potential impacts on local law enforcements'  
8 child safety efforts by restricting the funds appropriated by Congress for the  
9 specific purpose of combating internet crimes against children.

10        133. Defendants' violations have caused harm and will continue to cause  
11 harm to Plaintiffs for which no remedy other than an injunction is adequate.

12        134. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and  
13        28 U.S.C. § 2201 that the inclusion of the Challenged Conditions in ICAC Grant  
14        awards violates the APA because it is arbitrary and capricious; to provide  
15        preliminary relief under 5 U.S.C. § 705; and to temporarily restrain, and  
16        preliminarily and permanently enjoin, Defendants from including the Challenged  
17        Conditions in ICAC Grant awards to Plaintiffs without complying with the APA.

## **FIFTH CAUSE OF ACTION**

## *Violation of the Administrative Procedure Act: Contrary to Constitution*

20        135. Plaintiffs reallege and incorporate by reference the allegations of the  
21 preceding paragraphs.

136. Under the APA, a "court shall . . . hold unlawful and set aside agency actions, findings, and conclusions found to be . . . contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(B).

137. As described above, the Challenged Conditions violate bedrock constitutional provisions and principles, including the spending power, the separation of constitutional powers between and among the President, Congress, and judiciary, and the Due Process Clause of the Fifth Amendment.

1       138. To the extent the Immigration Conditions require grantees to “honor”  
2 civil detainers without a judicial determination of probable cause, it invites  
3 violations of the Fourth Amendment. Detainer requests are administratively issued  
4 documents that are not reviewed by a neutral judicial officer. The Fourth  
5 Amendment requires that when a person's detention is continued based on an ICE  
6 detainer, there must be independently established probable cause for the new arrest.

7       139. The Discrimination Condition and civil rights language in the  
8 Unallowable Use of Funds Restriction invite violations of the First Amendment by  
9 engaging in viewpoint discrimination. The terms DEI, DEIA, and discriminatory  
10 equity ideology as used in the Administration's guidance embody and advance a  
11 specific set of viewpoints. These conditions seek to regulate grantees' speech  
12 outside the contours of the federally funded program itself, and require grantees not  
13 to operate any programs that advance a viewpoint different from the viewpoints of  
14 the current Administration—activities that squarely violate the First Amendment.

15       140. The Challenged Conditions also violate fundamental separation of  
16 powers principles by acquiescing to executive rather than judicial interpretation of  
17 antidiscrimination laws. Constitutional principles prohibit grantees from  
18 disregarding judicial interpretation in favor of the Executive's views on, for  
19 example, antidiscrimination laws. The rule that the Challenged Conditions would  
20 impose is incompatible with the "basic constitutional propositions" of the  
21 separation of powers. *See Cooper v. Aaron*, 358 U.S. 1, 17 (1958).

22       141. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and  
23 28 U.S.C. § 2201 that the inclusion of the Challenged Conditions in ICAC Grant  
24 awards violates the APA because it is contrary to constitutional rights, powers,  
25 privileges, or immunities; to provide preliminary relief under 5 U.S.C. § 705; and to  
26 temporarily restrain, and preliminarily and permanently enjoin, Defendants from  
27 including the Challenged Conditions in ICAC Grant Awards without complying  
28 with the APA.

1 142. Defendants' violations have caused harm and will continue to cause  
2 harm to Plaintiffs for which no remedy other than an injunction is adequate.

## **SIXTH CAUSE OF ACTION**

## *Violation of the Administrative Procedure Act: Excess of Statutory Authority*

5 143. Plaintiffs repeat and incorporate by reference each of the allegations of  
6 the preceding paragraphs.

7       144. Under the APA, a "court shall . . . hold unlawful and set aside agency  
8 action, findings, and conclusions found to be . . . not in accordance with law . . .  
9 [or] in excess of statutory jurisdiction, authority, or limitations, or short of statutory  
10 right." 5 U.S.C. § 706(2)(A), (C).

11        145. Defendants may exercise only authority granted to them by statute or  
12 the Constitution.

13        146. Congress, in enacting the PROTECT Our Children Act, specified the  
14        allowable uses for ICAC grants in 34 U.S.C. § 21116(c). All six enumerated  
15        categories relate directly to the program's mission of combating internet crimes  
16        against children: hiring investigators and forensic specialists, establishing forensic  
17        laboratories, supporting investigations and prosecutions, conducting education  
18        programs, attending training sessions, and funding activities "directly related to  
19        preventing, investigating, or prosecuting Internet crimes against children."  
20        Congress did not include providing unspecified access or notice to DHS agents,  
21        civil rights certifications, or any of the other matters addressed by the Challenged  
22        Conditions among the allowable uses or permissible conditions for ICAC grants.

147. Congress further limited the Attorney General's discretion by  
establishing a detailed formula-based allocation system in 34 U.S.C. § 21116(a)(2)-(3). Congress required that at least 75 percent of funds be distributed based on specific, enumerated factors—investigative leads, case referrals, successful prosecutions, and training activities—all of which relate to child protection. The only discretion Congress granted was to consider criteria demonstrating "the level

1 of need for additional resources by a task force." *Id.* § 21116(a)(2)(B)(ii)(VI). This  
2 limited discretion does not authorize the Attorney General to impose conditions  
3 based on providing unspecified access or notice to DHS agents or diversity  
4 programs, which bear no relationship to a task force's need for child exploitation  
5 investigation resources.

6 148. Congress further limited the Attorney General's authority to require  
7 assurances from applicants. Under 34 U.S.C. § 21116(b)(2)(B), applicants must  
8 "provide such additional assurances as the Attorney General determines to be  
9 essential to ensure compliance with the requirements of this subchapter." The  
10 phrase "this subchapter" refers to 34 U.S.C. §§ 21111-21117—the ICAC statutory  
11 framework—not to providing unspecified access or notice to DHS agents, the False  
12 Claims Act, or the administration's policy views on diversity programs. The  
13 Attorney General's authority to require assurances is thus limited to those essential  
14 to ensure compliance with the ICAC program's child protection mission.

15 149. The Challenged Conditions exceed this statutory authority. The  
16 Immigration Conditions bear no relationship to preventing, investigating, or  
17 prosecuting internet crimes against children—and Congress's detailed enumeration  
18 of relevant factors in the formula grant provisions confirms that immigration  
19 enforcement is outside the scope of the ICAC program. The Discrimination  
20 Condition, with its vague reference to programs "having components relating to  
21 diversity, equity, and inclusion," is similarly untethered to the ICAC program's  
22 purposes; a task force's diversity initiatives have no bearing on its investigative  
23 leads, prosecution success rate, or any other factor Congress identified as relevant.  
24 None of these conditions is "essential to ensure compliance with the requirements  
25 of this subchapter" as required by 34 U.S.C. § 21116(b)(2)(B), and none relates to  
26 the mission-focused factors Congress prescribed for fund distribution.

27 150. Defendants' violations have caused harm and will cause harm to  
28 Plaintiffs for which no remedy other than an injunction is adequate.

1       151. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and  
2 28 U.S.C. § 2201 that the inclusion of the Challenged Conditions in ICAC Grant  
3 awards violates the APA because it is in excess of Defendants' statutory  
4 jurisdiction, authority, or limitations, or short of statutory right; to provide  
5 preliminary relief under 5 U.S.C. § 705; and to temporarily restrain, and  
6 preliminarily and permanently enjoin, Defendants from including the Challenged  
7 Conditions in ICAC Grant awards without complying with the APA.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the Court grant the following relief:

10        1. A declaration that the Challenged Conditions are unconstitutional, are  
11 not authorized by statute, violate the APA, and are otherwise unlawful;

12 2. A declaration that Defendants' attachment and incorporation of the  
13 Challenged Conditions and materially similar requirements in any documents  
14 incorporated by reference into Plaintiffs' ICAC Grants is unconstitutional, is no  
15 authorized by statute, violates the APA, and is otherwise unlawful;

16       3. An order temporarily restraining and preliminarily and permanently  
17 enjoining Defendants from attaching, incorporating, imposing, or enforcing the  
18 Challenged Conditions, or any materially similar terms or conditions, with respect  
19 to any applications submitted by Plaintiffs for ICAC Grants or any ICAC Grant  
20 funds awarded to or received by Plaintiffs, whether directly or indirectly, including  
21 but not limited to the ICAC Grant Awards:

22        4. An order temporarily restraining and preliminarily and permanently  
23 enjoining Defendants from attaching, incorporating, imposing, or enforcing the  
24 requirement that Plaintiffs comply with the Discrimination Condition, federal civil  
25 rights law, or antidiscrimination law as requiring anything other than compliance  
26 with such laws as enacted by Congress and interpreted by the judiciary;

27        5. An order pursuant to 5 U.S.C. § 705 that: (i) postpones the effective  
28 date of any action by any Defendants to adopt, issue, enforce, or implement the

1 Challenged Conditions or any materially similar terms or conditions pending  
2 conclusion of this litigation; (ii) declares the Challenged Conditions void and  
3 unenforceable with respect to any application, award, agreement, or subagreement,  
4 or other document executed by Plaintiffs that is related to ICAC Grants; and (iii)  
5 declares that Plaintiffs need only comply with the Discrimination Condition, federal  
6 civil rights law, and antidiscrimination law as enacted by Congress and interpreted  
7 by the judiciary;

8 6. An order under 5 U.S.C. § 706 holding unlawful, setting aside, and  
9 vacating all actions taken by Defendants to: (i) adopt, issue, enforce, or implement  
10 the Challenged Conditions or any materially similar terms or conditions; (ii)  
11 require, attach, incorporate, implement, or enforce the Challenged Conditions in  
12 any application, award, agreement or subagreement, or other document executed by  
13 Plaintiffs related to ICAC Grants; or (iii) construe the requirements that Plaintiffs  
14 comply with the Discrimination Condition, federal civil rights law, and  
15 antidiscrimination law in any manner other than how such laws have been enacted  
16 by Congress and interpreted by the judiciary;

17 7. Orders preliminarily and permanently enjoining Defendants from  
18 retaliating against Plaintiffs for participating in this lawsuit or taking any adverse  
19 action based on Plaintiffs' participation in this lawsuit, including but not limited to  
20 reducing the amount of a grant award to Plaintiffs or to any state agency through  
21 which Plaintiffs may receive grant funding; refusing to issue, process, sign, or  
22 approve grant applications, grant agreements, or subgrant agreements; and refusing  
23 to issue, process, sign, or approve any invoice or request for payment, or reducing  
24 the amount of such approval or payment;

25 ///

26 ///

27 ///

28 ///

1       8. An award to Plaintiffs of their reasonable attorneys' fees, costs, and  
2 other expenses; and

3       9. Any other and further relief that this Court deems just and proper.

4  
5       Dated: January 30, 2026

Respectfully submitted,

6       HEATHER FERBERT, City Attorney

7  
8       By /s/ Jennifer M. Martin  
9       Jennifer M. Martin

10      Attorneys for Plaintiff,  
11      CITY OF SAN DIEGO

12      SUSANNA WOOD, City Attorney

13      By /s/ Elisa Tolentino\*  
14      Elisa Tolentino  
15      \**Southern District  
Admission Pending*

16      Attorneys for Plaintiff,  
17      CITY OF SAN JOSE

## FILER'S ATTESTATION

I, JENNIFER M. MARTIN, am the ECF user whose identification and password are being used to file this COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTIVE RELIEF, I hereby attest that the other above-named signatories concur in this filing.

# Exhibit A

# OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program – Invited To Apply

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Total Amount To Be Awarded Under This Funding Opportunity: \$33,976,146

Anticipated Award Ceiling: Up to \$1,042,765

Anticipated Period of Performance Duration: 12 months

Funding Opportunity Number: O-OJJDP-2025-172479

Deadline to submit SF-424 in Grants.gov: **November 26, 2025, by 11:59 p.m. Eastern Time**

Deadline to submit application in JustGrants: **December 8, 2025, by 8:59 Eastern Time**



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## BASIC INFORMATION

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) is accepting applications for funding in response to this notice of funding opportunity (NOFO).

<b>Agency Name</b>	U.S. Department of Justice Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention
<b>NOFO Title</b>	OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program - Invitation To Apply
<b>Announcement Type</b>	Continuation
<b>Funding Opportunity Number</b>	O-OJJDP-2025-172479
<b>Assistance Listing Number</b>	16.543

### Executive Summary

This funding opportunity seeks to help state and local law enforcement agencies develop effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases (also known as child sexual abuse material–CSAM). This program furthers the DOJ's mission to uphold the rule of law, to keep our country safe, and to protect civil rights. Please see the [Eligible Applicants](#) section for the eligibility criteria.

OJP is committed to advancing work that furthers DOJ's mission to uphold the rule of law, to keep our country safe, and to protect civil rights. OJP provides federal leadership, funding, and other critical resources to directly support law enforcement, combat violent crime, protect American children, provide services to American crime victims, and address public safety challenges, including human trafficking and the opioid crisis.

### Key Dates and Times

<b>Funding Opportunity Release Date</b>	November 19, 2025
<b>SAM.gov Registration/Renewal</b>	Recommend beginning process immediately.
<b>Step 1: Grants.gov Application Deadline</b>	11:59 p.m. Eastern Time on November 26, 2025
<b>Step 2: JustGrants Application Deadline</b>	8:59 p.m. Eastern Time on December 8, 2025

## Funding Details

**Total Amount To Be Awarded Under This Funding Opportunity:** \$33,976,146

**Anticipated Number of Awards:** 61

**Anticipated Award Ceiling:** \$1,042,765

**Anticipated Period of Performance Start Date:** October 1, 2025

**Anticipated Period of Performance Duration:** 12 months

## Availability of Funds

This funding opportunity, and awards under this funding opportunity, are subject to the availability of funding and any changes or additional requirements that may be imposed by the agency or by law. In addition, nothing in this NOFO is intended to, nor does it, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States or its departments, agencies, entities, officers, employees, agents, or any other person.

## Statutory Authority

Full-Year Continuing Appropriations Act, 2025, P.L. 119-4, 139 Stat. 9, 40; see Pub. L. No. 118-42, 138 Stat. 25, 150.

## Agency Contact Information

For assistance with the requirements of this funding opportunity:

**William Sarrano, Program Manager**

Phone: 202-598-5822

Email: [William.Sarrano@usdoj.gov](mailto:William.Sarrano@usdoj.gov)

For assistance with **SAM.gov** (registration/renewal):

**SAM.gov Help Desk**

Phone: 866-606-8220

Web: [SAM.gov Help Desk \(Federal Service Desk\)](#)

Hours of operation: 8:00 a.m. to 8:00 p.m. ET Monday–Friday

For assistance with **Grants.gov** (registration, submission of the Application for Federal Assistance SF-424):

**Grants.gov Customer Support Hotline**

Phone: 800-518-4726, 606-545-5035

Email: [support@grants.gov](mailto:support@grants.gov)

Web: [Grants.gov Customer Support](#)

Hours of operation: 24 hours a day, 7 days a week, except on federal holidays

For assistance with **JustGrants** (registration, submission of full application):

**JustGrants Service Desk**

Phone: 833-872-5175

Email: [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov)

Hours of operation: 7:00 a.m. to 9:00 p.m. ET Monday–Friday and 9:00 a.m. to 5:00 p.m. ET on Saturday, Sunday, and federal holidays.

For procedures related to unforeseen technical issues beyond the control of the applicant that impact submission by the deadlines, see the [Application Resource Guide](#) section on “[Experiencing Unforeseen Technical Issues](#).”

## Resources for Applying

**OJP Grant Application Resource Guide:** Referred to as the Application Resource Guide throughout the NOFO, this resource provides guidance to help applicants for OJP funding prepare and submit their applications.

**JustGrants Application Submission Training Webpage:** Offers helpful information and resources on the grant application process.

**Note:** If this NOFO requires something different from any guidance provided in the [Application Resource Guide](#), the difference will be noted in this NOFO and the applicant should follow the guidance in this NOFO.



## ELIGIBILITY

### Eligible Applicants

The types of entities that are eligible to apply for this funding opportunity are listed below:

**“Other” Entities:** Internet Crimes Against Children Task Forces

### Cost Sharing/Match Requirement

For this opportunity, match **is not** required.



## PROGRAM DESCRIPTION

### General Purpose of the Funding

With this solicitation, OJJDP seeks applications for funding to help state and local law enforcement agencies develop effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education.

Applicants should refer to [Application Contents, Submission Requirements, and Deadlines: Budget Detail Form](#) for information on allowable and unallowable costs that may inform the development of their project design.

### Unallowable Uses of Funds

The following are certain unallowable costs and certain activities that are out of the program scope and will not be funded.

1. Out of program scope is any program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents.
2. Out of program scope is any program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that – (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector.
3. As specified in the DOJ Grants Financial Guide, in Chapter 3.13 “Unallowable Costs” (“Legal Services for Aliens”), any obligations of funds, at any tier, under this award to provide (or to support the provision of) legal services to any removable alien or any alien otherwise unlawfully present in the United States shall be unallowable costs for purposes any award made under this notice, but the foregoing shall not be understood to apply— (1) to legal services to obtain protection orders for victims of crime; or (2) to immigration-related legal services that may be expressly authorized or required by any law, or any judicial ruling, governing or applicable to the award.

### Program Goals and Objectives

**Goal 1:** The ICAC Task Force program supports a national network of 61 multiagency, multijurisdictional task forces engaged in investigations, forensic examinations, and prosecutions related to technology facilitated child sexual exploitation. Through this program, these task forces will assist state, local, and Tribal law enforcement responding to instances of technology-facilitated child sexual exploitation. This includes providing forensic and investigative technical assistance to law enforcement and prosecutorial officials, as well as community education information to parents, educators, prosecutors, law enforcement, and others concerned with child sexual exploitation.

- **Objective 1:** Maintain and expand state and regional ICAC task forces to prevent, interdict, investigate, and prosecute Internet crimes against children.
- **Objective 2:** Improve task force effectiveness in preventing, interdicting, investigating, and prosecuting Internet crimes against children.
- **Objective 3:** Increase resources and efforts towards proactive investigations.

## How Awards Will Contribute to Program Goals/Objectives

OJJDP anticipates that award recipients will provide high-quality training and technical assistance that meets the needs of state and local law enforcement agencies in their locality, enhancing their capacity and improving their overall effectiveness in responding to online child victimization and child pornography cases.

Furthermore, award recipients are expected to address the following functions in agreement with Section 104 of the PROTECT Our Children Act:

- Work consistently to achieve the purposes described in Section 103 of the PROTECT Our Children Act.
- Maintain a task force consisting of state and local investigators, prosecutors, forensic specialists, and education specialists dedicated to addressing the goals of such task force.
- Engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children.
- Provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children.
- Develop multijurisdictional, multiagency partnerships and responses to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other state and local law enforcement agencies so that they can acquire the knowledge, personnel, and specialized equipment to investigate and prosecute such offenses.
- Participate in nationally coordinated investigations that the Attorney General determines are necessary, as available resources permit.
- Establish, adopt, and comply with investigative and prosecution standards, consistent with established norms.
- Investigate tips related to Internet crimes against children, as appropriate, including tips from the National Center for Missing and Exploited Children's CyberTipline, other ICAC task forces, and other federal, state, and local agencies. Task forces should give priority to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community.
- Develop procedures for handling seized evidence.
- Maintain reports and records, as the Attorney General requires.
- Comply with national standards regarding the investigation and prosecution of Internet crimes against children, as the Attorney General sets them forth, to the extent they are consistent with the law of the state where the task force is located.

## Expected Outcomes: Deliverables and Performance Measures

To achieve the goals and objectives of this funding opportunity, OJP has identified expected deliverables that must be produced by a recipient. OJP has also identified performance measures (pieces of data) that will indicate how a recipient is achieving the performance goals and objectives identified above. Recipients will need to collect and report this performance measure data to OJP.

OJP will measure success by reviewing a recipient's submission of performance reports and data and the extent to which project implementation reflects progress toward the goals and objectives of this NOFO.

### Deliverables

Recipients under this funding opportunity do not need to submit any deliverables other than the standard [Post-Award Requirements and Administration](#).

### Performance Measures

OJP will require each award recipient to submit regular performance reports that communicate progress toward achieving the goals and objectives identified in [Program Goals and Objectives](#). Applicants can visit [OJP's performance measurement page](#) at [ojp.gov/performance](http://ojp.gov/performance) for more information on performance measurement activities.

A list of performance measure questions for this funding opportunity can be found at <https://ojjdp.ojp.gov/funding/performance-measures/performance-measures-ICAC.pdf>.

### Funding Instrument

OJP expects to make awards under this funding opportunity as cooperative agreements, which allow OJP to have substantial involvement in carrying out award activities. See the ["Administrative, National Policy, and Other Legal Requirements"](#) section of the [Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions.



## APPLICATION CONTENTS, SUBMISSION REQUIREMENTS, AND DEADLINES

This NOFO contains all the information needed to apply for this funding opportunity. The application for this funding opportunity is submitted through web-based forms and attachments in Grants.gov and JustGrants through the steps that follow.

### Unique Entity Identifiers (UEIs) and SAM.gov Registration

To submit an application, an applicant must have an active registration in the [System for Award Management \(SAM.gov\)](#). SAM.gov assigns entities a unique entity identifier (UEI) that is required for the entity to apply for federal funding. Applicants will enter their UEI with their application. Award recipients must then maintain an active UEI for the duration of their award's period of performance.

**First-time Registration:** Entities registering in SAM.gov for the first time will submit information about their entity type and structure, financial information (such as dates of the fiscal year, banking information, and executive compensation), entity points of contact, and other information. The information is reviewed and verified by SAM.gov, and then a UEI is issued. This process may take several weeks, so entities considering applying for funding should begin the registration process as soon as possible.

**Renewing an Existing Registration:** Entities must renew their SAM.gov registration every 12 months to keep it active. If an entity does not renew their SAM.gov registration, it will expire. An expired registration can delay or prevent the submission of an application for funding in Grants.gov and JustGrants.

Applicants are encouraged to start the SAM.gov registration or renewal process **at least 30 days prior to the application's Grants.gov deadline**. Applicants who fail to begin the registration or renewal process at least 10 business days prior to the Grants.gov deadline may not be able to complete the process in time and will not be considered for a technical waiver that allows for late submission.

### Submission Instructions: Summary

Applications must be submitted to DOJ electronically through a two-step process that begins in Grants.gov and is completed in JustGrants. See [Basic Information: Key Dates](#) for the Grants.gov and JustGrants application deadlines.

- **Step 1:** The applicant must submit the required [Application for Federal Assistance SF-424](#) by the Grants.gov deadline.
- **Step 2:** The applicant must submit the full application, including attachments, through JustGrants by the deadline (see [JusticeGrants.usdoj.gov](#)).

### Submission Step 1: Grants.gov Submission of SF-424

#### Access/Registration

If the applicant does not already have a Grants.gov account, they will need to register for this opportunity in Grants.gov. Applicants should follow the Grants.gov [Quick Start Guide for Applicants](#) to register, create a workspace, assign roles, submit an application, and troubleshoot issues.

## Submission of the SF-424

Applicants will begin the application process in Grants.gov with the submission of the SF-424, which collects the applicant's name, address, and UEI; the funding opportunity number; and proposed project title, among other information. The SF-424 must be signed by the Grants.gov Authorized Organizational Representative for the applicant.

See the [Application Resource Guide](#) for additional information on completing the SF-424.

**Section 8F – Applicant Point of Contact:** Please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information (i.e., email address) to assign the application to this user in JustGrants.

### Section 19 – Intergovernmental Review:

This funding opportunity is not subject to [Executive Order \(E.O.\) 12372](#) (Intergovernmental Review). Applicants should answer section 19 by selecting, "Program is not covered by E.O. 12372."

**An applicant should submit the SF-424 as early as possible and recommended not later than 48 hours before the Grants.gov deadline.** If an applicant fails to submit the SF-424 in Grants.gov by the deadline, they will be unable to submit their application in JustGrants.

Once the first part of the application has been successfully submitted in Grants.gov, the Grants.gov Workspace status will change from "In Progress" to "Submitted." Applicants will also receive a series of four Grants.gov email notifications. Refer to the [DOJ Application Submission Checklist](#) for additional details.

If an applicant needs to update information in the SF-424 after it is submitted in Grants.gov, they can update the information as part of their JustGrants submission (see [Application Contents, Submission Requirements, and Deadlines: Standard Applicant Information](#)). They do not need to submit an update in Grants.gov.

## Submission Step 2: JustGrants Submission of Full Application

### Access/Registration

For first-time JustGrants applicants, once the application is received from Grants.gov, DOJ will send an email (from DIAMD-NoReply@usdoj.gov) to the email address listed in Section 8F of the SF-424 with instructions on how to create a JustGrants account. This email should arrive within 24 hours after confirmation from Grants.gov of the SF-424 submission.

Creating and setting up a JustGrants account consists of three steps:

1. Follow the instructions in the email to first confirm who will be the Entity Administrator (the person who manages which staff can access JustGrants on behalf of the applicant).
2. Log in to JustGrants and confirm the information in the Entity Profile.
3. Invite other individuals who will serve as the Application Submitter and the Authorized Representative for the applicant to register for JustGrants.

These steps should be completed in JustGrants as early as possible and recommended not later than 48 hours before the JustGrants deadline. Once registered in JustGrants, the Application Submitter will receive a link in an email to complete the rest of the application in

JustGrants. Applicants can find additional information on JustGrants registration in the [DOJ Grant Application Submission Checklist](#).

## Preparing for Submission

Some of the required sections of the application will be entered directly into JustGrants, and other sections will require documents to be uploaded and attached. Therefore, applicants should allow enough time before the JustGrants deadline to prepare, enter, and upload all the requirements of the application.

Applicants may save their application in the system and add to or change the application as needed prior to hitting the “Submit” button at the end of the application in JustGrants. After the application deadline, no changes or additions can be made to the application. **OJP recommends that applicants submit the complete application package in JustGrants at least 48 hours prior to the JustGrants deadline.**

For additional information, including file name and type requirements, see the “How To Apply” section in the [Application Resource Guide](#).

## Standard Applicant Information

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and can make whatever edits are needed. Within this section, the applicant will need to add ZIP codes for areas affected by the project; confirm their Authorized Representative; and confirm the organization’s unique entity identifier, legal name, and address.

## Proposal Abstract

A proposal abstract (no more than 2,000 characters) summarizing the proposed project must be completed in the JustGrants web-based form. The text from abstracts will be made publicly available on the OJP.gov and USASpending.gov websites if the project is awarded, so this section of the application should not contain any personally identifiable information (e.g., the name of the project director).

The abstract should be in paragraph form without bullets or tables and written in the third person (e.g., they, the community, their, themselves, rather than I or we). The abstract should include the following information:

- The name of the applicant’s proposed project.
- The purpose of the proposed project (i.e., what the project will do and why it is necessary).
- Where the project will take place (i.e., the service area, if applicable).
- Who will be served by the project (i.e., who will be helped or have their needs addressed by the project).
- What activities will be carried out to complete the project.
- The subrecipient(s)/partner organizations or entities, if known.
- Deliverables and expected outcomes (i.e., what the project will achieve).

See the [Application Resource Guide](#) for an [example](#) of a proposal abstract.

## Data Requested With Application

### Financial Management and System of Internal Controls Questionnaire (including Applicant Disclosure of High-Risk Status)

The Financial Management and System of Internal Controls Questionnaire helps OJP assess what financial management and internal control systems the applicant has in place, whether these systems would be sufficient to maintain a funding award, and the associated potential risks of an applicant as part of the pre-award risk assessment process. Every OJP applicant (other than an individual applying in their personal capacity, not representing an applicant organization) is required to complete the web-based form in JustGrants. See the [Application Resource Guide: Financial Management and System of Internal Controls Questionnaire \(including Applicant Disclosure of High-Risk Status\)](#) for additional guidance on how to complete the questionnaire.

### Proposal Narrative

**Format of the Proposal Narrative:** The Proposal Narrative will be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point size font; have no less than 1-inch margins; have numbered pages; and should not exceed 30 pages. If the Proposal Narrative does not comply with these restrictions, OJP may consider such noncompliance in peer review and in final award decisions. Tables, charts and graphs included in the program narrative can be created in a legible font smaller than 12-point and will count toward the page limit.

**Sections of the Proposal Narrative:** The Proposal Narrative must include the four sections listed below.

**1. Description of the Need:** What critical issue or problem is the applicant proposing to address with this project? Please include:

- A brief explanation of the need, gap, or issue to be addressed by the proposed project.
- Supporting information, data, or evidence to demonstrate the need's existence, size, and impact on the target population and community.
- How the need relates to the purpose of the NOFO.

**2. Project Goals and Objectives:** How will the proposed project address the need identified and address the purpose of the NOFO? Please include:

- Project goals (goals are broad, visionary statements on what the applicant hopes to accomplish).
- Project objectives (objectives are specific outcomes the applicant plans to achieve through project activities).
- How the applicant's goals and objectives relate to the goals and objectives of the NOFO.

**3. Project Design and Implementation:** How will the applicant implement project activities that meet the goals and objectives? Please include:

- What activities the applicant will conduct to achieve the proposed goals and objectives (refer to activities identified in the "How Award Will Contribute to Program Goals/Objectives" section of this NOFO)
- How the applicant will deliver or complete those activities.

- When the activities will take place.
- Who in the applicant's organization will staff the activities, including key staff.
- Who will participate in and benefit from the activity.
- What deliverables, reports, and other items will be produced as part of the project.
- If the applicant plans to use subrecipients to help conduct the project, please name them (if they are known) or describe how the applicant will identify them. Please describe their role in conducting project activities.

**4. Capabilities and Competencies:** What administrative and technical capacity and expertise does the applicant bring to successfully complete this project? Please include:

- A short description of the applicant's capacity to deliver the proposed project and meet the requirements of the award, including collecting and reporting the required performance measure data. Who will be responsible for this task, and how will the applicant collect the data? Refer to [Program Description: Performance Measures](#) for additional details on performance measures for this funding opportunity.
- A description of projects or activities the applicant organization has conducted, or is currently conducting, that demonstrate the applicant's ability to undertake the proposed project activities.
- A summary of relevant experience of team members with key responsibilities for implementing the project, including staff of any subrecipients.
- A summary of management and staffing patterns for the project that are clearly connected to the project design described in the previous section. Include a copy of an organizational chart showing how the organization operates, including who manages the finances.

**Project Evaluations:** An applicant that proposes to use award funds to conduct project evaluations must follow the guidance in the "[Note on Project Evaluations](#)" section in the [Application Resource Guide](#).

### **Budget and Associated Documentation: Budget Detail Form**

The applicant will complete the JustGrants budget detail form. The form collects the individual costs under each cost category needed to implement the proposed project. Applicants should ensure that the name/description of each cost is clear and provide the detailed calculation (e.g., cost per unit and number of units) for the total cost. Applicants should enter additional narrative, as needed, to fully describe the cost calculations and connection to the project goals and objectives.

Budget proposals should include the funding needed to implement the proposed activities. In preparing their budget proposals, applicants should consider what types of costs are allowable, if awarded funding. Costs are allowable when they are reasonable, allocable to, and necessary for the performance of the project funded under the federal award and when they comply with the funding statute and agency requirements, including the conditions of the award and the cost principles set out in [2 C.F.R. Part 200, Subpart E](#) and the [DOJ Grants Financial Guide](#).

For additional information about how to prepare a budget for federal funding, see the [Application Resource Guide](#) section on "[Budget Preparation and Submission Information](#)." For details on

the technical steps to complete the budget attachment and upload it in JustGrants, see the [Complete the Application in JustGrants: Budget](#) training.

**Costs Associated With a Conference/Meeting/Training:** An applicant that proposes to use award funds for activities related to a conference, meeting, training, or similar event should review the [Application Resource Guide](#) for information on prior approval, planning, and reporting costs for a conference/meeting/training.

**Costs Associated With Language Assistance and Access:** If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable in specific grant programs. Costs to provide reasonable accommodation and facilitate language access for individuals who are deaf or hard of hearing may also be allowable in specific grant programs. See the [Application Resource Guide](#) for information on costs associated with language assistance.

For additional information about how to prepare a budget for federal funding, see the [Application Resource Guide](#) section on “[Budget Preparation and Submission Information](#)” and the technical steps to complete the budget form in JustGrants in the [Complete the Application in JustGrants: Budget](#) training.

## **Budget and Associated Documentation: Budget/Financial Attachments**

**Indirect Cost Rate Agreement (if applicable):** An applicant with a current, federally approved indirect cost rate agreement should upload it as an attachment in JustGrants.

Indirect costs are costs of an organization that are not readily assignable to a particular project but are necessary for the operation of the organization and the performance of the project. Examples of costs usually treated as indirect include those incurred for operation and maintenance of offices or workspaces and salaries of administrative or support staff. The requirements for the development and submission of indirect cost proposals and cost allocation plans are listed in Appendices III–VII of 2 C.F.R. Part 200. A non-federal applicant should follow the guidelines applicable to its type of organization. See the [DOJ Grants Financial Guide](#) and the [OJP Grant Application Resource Guide](#) for additional information on indirect cost rate agreements.

**Consultant Rate (if applicable):** OJP has established maximum rates for consultants; see the “Listing of Costs Requiring Prior Approval” section of the [DOJ Grants Financial Guide](#) for more information. If an applicant proposes a rate for a consultant on their project that is higher than the established maximum rate and receives an award, then the award recipient must submit a document requesting approval for the rate and cannot incur costs at the higher rate without prior OJP approval. The award recipient must provide justification for why the proposed rate is higher than the established maximum rate, such as why the rate is reasonable and consistent with that paid for similar services in the marketplace.

**Limitation on Use of Award Funds for Employee Compensation for Awards Over \$250,000; Waiver (if applicable):** This notice of funding opportunity expressly modifies the OJP Grant Application Resource Guide by not incorporating the “Limitation on Use of Award Funds

for Employee Compensation; Waiver" provisions in the "Financial Information" section of the OJP Grant Application Resource Guide.

#### **Disclosure of Process Related to Executive Compensation (if applicable):**

An applicant that is a nonprofit organization may be required to make certain disclosures relating to the processes it uses to determine the compensation of its officers, directors, trustees, and key employees. If applicable, the applicant will upload a description of the process used to determine executive compensation as an attachment in JustGrants. See the [Application Resource Guide](#) for information.

#### **Memorandum of Understanding (MOU) (if applicable)**

For each named partner involved in the project (whether as a subrecipient that will receive federal funds to carry out part of the federal award, or otherwise), applicants should include a signed Memorandum of Understanding (MOU) or a letter of intent that confirms the partner's agreement to support the project through commitments of staff time, space, services, or other project needs. MOUs or letters of intent demonstrate the commitment of partner organizations to participate in the project. An MOU is a formalized commitment of staff and/or resources that is signed by authorized representatives of both partner organizations. A letter of intent indicates the organizations' intention to partner, but the details of the commitment have not been fully worked out and officially agreed to.

Each MOU should include the following:

- Names of the organizations involved in the agreement.
- What service(s) and other work will be performed under the agreement by what organization.
- Duration of the agreement.

MOUs should be submitted as one separate attachment to the application.

Unsigned draft MOUs may be submitted with the application, but the applicant should describe in a cover page to the attachment why it is unsigned.

#### **Additional Application Components**

The applicant should attach the additional requested documentation listed below in JustGrants.

- **Curriculum Vitae or Resumes:** Provide resumes of key personnel who will work on the proposed project, or a description of the experience and skills of key personnel necessary to implement the project.
- **Position Descriptions:** Provide position descriptions for positions supported under the grant.
- **Research and Evaluation Independence and Integrity Statement (if applicable):** If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant will upload documentation of its research and evaluation independence and integrity as an attachment in JustGrants. For additional information, see the [Application Resource Guide](#).

- **Timeline:** Provide a timeline listing key activities and milestones, and the quarters during which they will take place.
- **Organizational Chart:** Provide an organizational chart showing how the organization operates, including who manages the finances.

## Disclosures and Assurances

The applicant will address the following disclosures and assurances.

**Disclosure of Lobbying Activities:** JustGrants will prompt each applicant to indicate if it is required to complete and submit a lobbying disclosure under 31 U.S.C. § 1352.

The applicant is required by law to complete and submit a lobbying disclosure form (Standard Form/SF-LLL) if it has paid or will pay any person to lobby in connection with the award for which it is applying AND this application is for an award in excess of \$100,000. This disclosure requirement is not applicable to such payments by an Indian Tribe, Tribal organization, or any other Indian organization that are permitted by other federal law.

Lobbying means (for this requirement) 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. See 31 U.S.C. 1352; 28 C.F.R. part 69. Note: Most applicants do not engage in activities that trigger this disclosure requirement.

An applicant that is not required by law (31 U.S.C. 1352) to complete and submit a lobbying disclosure, should enter "No." By doing so, the applicant is affirmatively asserting (under applicable penalties) that it has nothing to disclose under 31 U.S.C. § 1352 with regard to the application for the award at issue.

**Disclosure of Duplication in Cost Items:** To ensure funding coordination across grantmaking agencies, and to avoid unnecessary or inappropriate duplication of grant funding, the applicant must disclose if it has any pending applications for federal funding, including pending applications for subawards of federal funds, for the same project and the same budget items included in this proposal. Complete the JustGrants Applicant Disclosure of Duplication in Cost Items form. See the [Application Resource Guide](#) for additional information.

**DOJ Certified Standard Assurances:** Review and accept the DOJ Certified Standard Assurances in JustGrants. See the [Application Resource Guide](#) for additional information.

**DOJ Certifications:** Review the DOJ document [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies](#). An applicant must review and sign the certification document in JustGrants. See the [Application Resource Guide](#) for more information.

**Applicant Disclosure and Justification – DOJ High-Risk Grantees (if applicable):** If applicable, submit the DOJ High-Risk Disclosure and Justification as an attachment in JustGrants. A DOJ high-risk recipient is an award recipient that has received a DOJ high-risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible. See the [Application Resource Guide](#) for additional information.

## Submission Dates & Times

Refer to [Basic Information: Key Dates](#) for the submission dates and times.

Applicants should submit their applications as early as possible and recommended not later than 48 hours before the deadlines. To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. Applicants will use the “Certify and Submit” feature in JustGrants to confirm that all required application components have been entered, which includes identifying the Authorized Representative for the applicant. Once the application is submitted, the Application Submitter, Authorized Representative, and Entity Administrator receive a confirmation email.

An applicant will receive emails after successfully submitting application components in Grants.gov and JustGrants and should retain all emails and other confirmations received from the SAM.gov, Grants.gov, and JustGrants systems.



## APPLICATION REVIEW

### Review Process and Criteria

OJP will review applications to ensure the information presented is reasonable, understandable, measurable, achievable, and consistent with the goals of the funding opportunity. In addition, OJP reviews invited applications for consistency with the invitation letter and invited applicant guidance. See the [OJP Grant Application Resource Guide](#) for information on the application review process.

### Risk Review

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to applicant risk. OJP assesses whether an applicant with one or more prior federal awards has a satisfactory record of performance, integrity, and business ethics, including by (among other things) checking whether the applicant is listed in SAM.gov as excluded from receiving a federal award.

Depending on the severity and nature of the risk factors, the risk assessment may result in the removal of an applicant from consideration or selection for award, or it may result in additional post-award conditions and oversight for an awarded applicant.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM.gov.

**Important Note on Responsibility/Qualification Data (formerly FAPIIS):** An applicant may review and comment on any information about its organization that currently appears in SAM.gov and was entered by a federal awarding agency. OJP will consider such comments by the applicant, in addition to the other information in SAM.gov, in its assessment of the risk posed by the applicant.

### Selection Process

All final award decisions will be made by the Assistant Attorney General, unless a statute explicitly authorizes award decisions by another official or there is written delegation of authority to another official. This official may consider not only program office recommendations but also other factors as indicated in the “Application Review” section. For additional information on the application review process, see the [Application Resource Guide](#).



## AWARD NOTICES

### Federal Award Notices

For successful applicants, JustGrants will send a system-generated email to the Application Submitter, Authorized Representative, and Entity Administrator with information on accessing their official award package in JustGrants. The award package will include key information (such as funding amount and period of performance) as well as award conditions that must be followed. An Authorized Representative for the entity should accept or decline the award within 45 days of the notification. See the [Application Resource Guide](#) for information on award notifications and instructions.



## POST-AWARD REQUIREMENTS AND ADMINISTRATION

### Reporting

All award recipients under this funding opportunity will be required to submit the following reports and data:

- Quarterly financial reports.
- Semi-annual performance reports.
- Final financial and performance reports.
- If applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions.

See the [Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measure data and the method for submitting reports in OJP's online systems. Future awards and fund drawdowns may be withheld if reports are delinquent (in appropriate cases, OJP may require additional reports).

### Performance Measure Reporting

Award recipients are required to submit performance measure data and performance reports in JustGrants on a semi-annual basis. Applicants selected for an award will receive further guidance on post-award reporting processes.

### Program- and Award-Specific Award Conditions

OJP includes various conditions on its awards. These may include program-specific conditions, which typically apply to all recipients of a funding opportunity, and award-specific conditions, which are included to address recipient-specific issues (e.g., programmatic or financial risk). Recipients may view all conditions, and actions required to satisfy those conditions, in the award package in JustGrants.

### Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the "Administrative, National Policy, and Other Legal Requirements" section in the [Application Resource Guide](#).

### Civil Rights Compliance

If a successful applicant accepts funding from OJP—as a recipient of OJP funding—that award recipient must comply with certain federal civil rights laws that prohibit the award recipient from discriminating on the basis of race, color, national origin, sex, religion, or disability in how it delivers its program's services or benefits and in its employment practices. The civil rights laws that may be applicable to the award include, but are not limited to, Title VI of the Civil Rights Act of 1964, the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and Section 504 of the Rehabilitation Act of 1973. These and other federal civil rights laws are discussed in greater detail on OJP's [Legal Overview—FY 2025 Awards](#) webpage under the

“Civil Rights Requirements” section. Additional resources are available from the [OJP Office for Civil Rights](#).

Compliance with Federal civil rights and nondiscrimination laws is material to the government’s decision to make any award and payment under this program, including for purposes of the False Claims Act, and each recipient will be required to certify (in its acceptance of the conditions of the award) that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

See OJP’s [Partnerships with Faith-Based and Other Neighborhood Organizations webpage](#) for specific information for faith-based organizations applying under this NOFO.

### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [Application Resource Guide](#) for additional information.

### **Information Technology Security Clauses**

An application in response to this NOFO may require inclusion of information related to information technology security. See the [Application Resource Guide](#) for more information.

### **Other Reporting Requirements**

Applicants and recipients are required to notify OJP if you know that you or any of your organization’s principals for the award transaction are presently excluded or disqualified (i.e., debarred or suspended) or otherwise meet any of the criteria in 2 C.F.R. 180.335. Recipients must comply with requirements in 2 C.F.R. Part 180, as implemented by DOJ in 2 C.F.R. Part 2867, which, among other things, require recipients to check certain information sources and, in some cases, notify the federal awarding agency prior to the agency awarding federal funds via contracts or subawards.

If a recipient’s award includes a federal share of more than \$500,000 over the period of performance of the award, then the award (per 2 C.F.R. 200.113) will include a condition that may require the recipient to report and maintain certain information (relating to certain criminal, civil, and administrative proceedings) in SAM.gov. See the [Reporting Requirements page](#) for more information.



## OTHER INFORMATION

### Information Regarding Potential Evaluation of Programs and Activities

OJP may conduct or support an evaluation of the projects and activities funded under this NOFO. For additional information on what should be included in the application, see the [Application Resource Guide](#) section “Information Regarding Potential Evaluation of Programs and Activities.”

### Freedom of Information and Privacy Act

See the [Application Resource Guide](#) for important information on the Freedom of Information and Privacy Act (5 U.S.C. §§ 552 and 552a).

Applicants are advised not to include any unnecessary personally identifiable information, sensitive law enforcement information, or confidential financial information with the application.

### Provide Feedback to OJP

See the [Application Resource Guide](#) for information on how to provide feedback to OJP.



## APPLICATION CHECKLIST

### OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program – Invited To Apply

This application checklist has been created as an aid in developing an application. For more information, reference the “[OJP Application Submission Steps](#)” in the [OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

#### SAM.gov Registration/Renewal

- Confirm that your entity’s registration in the System for Award Management (SAM.gov) is active through the NOFO period. Submit a new or renewal registration in SAM.gov, if needed (see [Application Resource Guide](#)).

#### Grants.gov Registration

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see [Application Resource Guide](#)).
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see [Application Resource Guide](#)).

#### Grants.gov Opportunity Search

- Search for the funding opportunity in Grants.gov using the opportunity number, assistance listing number, or keyword(s).
- Access the funding opportunity and application package (see Step 7 under “[OJP Application Submission Steps](#)” in the [Application Resource Guide](#)).
- Sign up for Grants.gov email notifications (optional) (see [Application Resource Guide](#)).

#### Funding Opportunity Review and Project Planning

- Review all sections of the NOFO.
- Confirm your entity is eligible to receive funding (see [Eligibility: Eligible Applicants](#)).
- Confirm your proposed budget is within the allowable limits (see [Basic Information: Funding Details](#)), includes only allowable costs (see [Application Contents, Submission Requirements, and Deadlines: Budget Detail Form](#)), and includes cost sharing if applicable (see [Eligibility: Cost Sharing/Match Requirement](#)).
- Review the performance measures for this funding opportunity and confirm you will be prepared to collect and report on this data (see [Program Description: Performance Measures](#)).
- Review the “[Legal Overview—FY 2025 Awards](#)” in the [OJP Funding Resource Center](#) and confirm you are prepared to follow the requirements.
- Read OJP policy and guidance on conference approval, planning, and reporting under “Listing of Costs Requiring Prior Approval” in the [DOJ Grants Financial Guide](#) or see the [Application Resource Guide](#).

#### Submission Step 1: Grants.gov

After registering with SAM.gov, submit the SF-424 in Grants.gov.

- Complete and submit the SF-424 by the deadline.

- Confirm Section 8F of the SF-424 lists the name and contact information of the individual **who will complete the application in JustGrants**.
- Confirm that, within 48 hours of your submission in Grants.gov, you receive four (4) Grants.gov email notifications:
  - A submission receipt
  - A validation receipt
  - A grantor agency retrieval receipt
  - An agency tracking number assignment
- If no Grants.gov receipt and validation email is received, or if error notifications are received, contact Alex Sarrano at [William.Sarrano@usdoj.gov](mailto:William.Sarrano@usdoj.gov) or contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, or [support@grants.gov](mailto:support@grants.gov) regarding technical difficulties (see the [Application Resource Guide](#) section on ["Experiencing Unforeseen Technical Issues"](#)).
- Confirm that, within 24 hours after receipt of confirmation emails from Grants.gov, the individual listed in Section 8F of the SF-424 receives an email from JustGrants with login instructions.

## Submission Step 2: JustGrants

- Complete the following information:
  - Entity and User Verification (first-time applicants)
  - Standard Applicant Information
  - Proposal Abstract
  - Financial Management and System of Internal Controls Questionnaire (see [Application Resource Guide](#))
- Upload the Proposal Narrative.
- Complete the budget detail form.
- Upload the other budget/financial attachments, as applicable.
- Upload additional application components, as applicable.
- Complete the required disclosures and assurances:
  - Disclosure of Lobbying Activities and submission of SF-LLL, if prompted by the system
  - Disclosure of Duplication in Cost Items
  - DOJ Certified Standard Assurances
  - Applicant Disclosure and Justification – DOJ High-Risk Grantees
- Complete the required DOJ Certification on Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies.

## JustGrants Review, Certification, and Application Submission

- Address any validation errors displayed on screen after attempted submission, then return to the “Certify and Submit” screen to submit the application.
- Note the confirmation message at the top of the page. Users will also receive a notification in the “bell” alerts confirming submission.
- If you do not receive an application submission confirmation email or validation from JustGrants, or if you receive an error notification, please contact the JustGrants Service Desk at 833-872-5175 or [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov). See the [Application Resource Guide](#) for additional information.

# Exhibit B



- [Home](#)
- [Entity Profile](#)
- [Entity Users](#)
- [Entity Documents](#)
- [Applications](#)
- [Awards](#)
- [Monitoring](#)
- [Federal Forms](#)

**Closeout**
**(15PJDP-24-GK-04182-MECP)** PENDING-INITIATECLOSEOUT
Awarded Entity Legal Name **(CITY OF SAN DIEGO)** Doing Business As: ( )
[Actions](#)  

Solicitation Title: OJJDP FY24 Internet Crimes Against Children (ICAC) Task Forces Solicitation Category: N/A  
 Project Title: FY24 San Diego Internet Crimes Against Children Task Force. Federal Award Amount \$557,965.00  
 Project Period: 10/1/24 - 12/31/25  
 Managing Office: OJP  
 DOJ Grant Manager: William Sarrano  
 Grant Award Administrator: Dan McClain  
 FAW Case ID: FAW-185914

**Assignments**


Nothing but space


**Funded Award Information**

Award Package	Award Conditions	Award Details	Award Attachments
Performance Management	Funding Balance and Availability		
<a href="#">Federal Financial Report (FFR)</a>	<a href="#">Grant Award Modification (GAM)</a>	<a href="#">Closeout</a>	

[Training Resources](#)
**Case details**

Last updated by  
 Pega Email Bot (13d ago)  
 Created by  
 Agent[System-Queue-ServiceLevel.ProcessEvent]  
 (1y ago)

**DOJ Grant Manager**

William Sarrano

**Phone**

202-616-3978

**Email**

William.Sarrano@usdoj.gov

**Participants (7)**

DM	Dan McClain Grant Award Administrator	<a href="#">Email</a>
DH	Danny Holguin Entity Administrator	<a href="#">Email</a>

Award InitialSupplement 01**Supplement Award Status :**

Pending-Award Acceptance

**✓ Award Letter**

December 23, 2025

Dear Scott Wahl,

On behalf of Attorney General Pamela Bondi, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by CITY OF SAN DIEGO for an award under the funding opportunity entitled 2025 OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program - Invited To Apply. The approved award amount is \$581,664.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen A. Henneberg  
Deputy Assistant Attorney General

#### **Office for Civil Rights Notice for All Recipients**

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical assistance, training, and other resources, please visit [www.ojp.gov/program/civil-rights-office/outreach](http://www.ojp.gov/program/civil-rights-office/outreach). If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov) or [www.ojp.gov/program/civil-rights-office/about#ocr-contacts](http://www.ojp.gov/program/civil-rights-office/about#ocr-contacts).

**Memorandum Regarding NEPA**

NEPA Letter Type

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NEPA Letter

NEPA Coordinator

First Name

Middle Name

Last Name

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**▼ Award Information**

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

**Recipient Information****Recipient Name**

CITY OF SAN DIEGO

**DUNS Number**

102848905

**UEI**

DBBKDE58TFT6

**Street 1**

202 C ST

**Street 2****City**

SAN DIEGO

**State/U.S. Territory**

California

**Zip/Postal Code**

92101

**Country**

United States

 **Award Details****Federal Award Date**

12/23/25

**Award Type**

Continuation

**Award Number**

15PJDP-24-GK-04182-MECP

**Supplement Number**

01

**Federal Award Amount**

\$581,664.00

**Funding Instrument Type**

CA

**Assistance Listing Number**

16.543

**Assistance Listings Program Title**

Missing Children's Assistance

**Statutory Authority**Full-Year Continuing Appropriations Act, 2025  
(P.L. 119-4, 139 Stat. 9, 40; see Pub. L. No. 118-42, 138 Stat. 25, 150)*I have read and understand the information presented in this section of the Federal Award Instrument.***Project Information**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

**Solicitation Title**

2025 OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program – Invited To Apply

**Awarding Agency**

OJP

**Program Office**

OJJDP

**Application Number**

GRANT14547953

**Grant Manager Name** **Phone Number**William Sarrano [202-616-3978](tel:202-616-3978)**E-mail Address**

William.Sarrano@usdoj.gov

**Project Title**

FY 2025 San Diego Internet Crimes Against Children Task Force

**Performance Period Start Date**    **Performance Period End Date**

Date

10/01/2024

Date

09/30/2026

**Budget Period Start Date**    **Budget Period End Date**

10/01/2024

09/30/2026

**Project Description**

The San Diego Internet Crimes Against Children Task Force (SDICAC) has become an established part of the San Diego County law enforcement community. SDICAC has brought an effective combination of computer technology and investigative expertise to bear on activity related to the online exploitation of children. SDICAC continues to support law enforcement efforts in San Diego, Riverside, and Imperial Counties, and SDICAC continues to meet the ICAC Program's Mission. SDICAC has grown their partnership with the San Diego Police Foundation on the SafetyNet Internet safety education initiative. As a result, despite increased demands on investigators, SDICAC provided 304 Internet safety presentations 28,536 attendees, only slightly down from the previous year. Through this award, the San Diego Internet Crimes Against Children Task Force will support increased staffing levels, training, public education and awareness, and responsiveness in investigating online child exploitation and bringing offenders to justice.

*I have read and understand the information presented in this section of the Federal Award Instrument.***▼ Financial Information**

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

The recipient budget is currently under review.



*I have read and understand the information presented in this section of the Federal Award Instrument.*

▼ **Award Conditions**

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

▼  **Terms And Conditions**



Compliance with general appropriations-law restrictions on the use of federal funds (FY 2025) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY25AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any

subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.



### Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department of Justice to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment to the U.S. Constitution and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates in a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, see "Nondiscrimination provisions and the Religious Freedom Restoration Act," accessible at <https://www.ojp.gov/funding/explore/legaloverview2025/civilrightsrequirements>.



### Federal Civil Rights and Nondiscrimination Laws (certification)

The recipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination

laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

## 5

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

**Limited Exceptions.** In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that a legal notice regarding award requirements is necessary or that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such notice or exception regarding enforcement, including any such notice or exception made during the period of performance, is (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) 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 lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

## 6

#### Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVV, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.



#### Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), including, without limitation, the provisions regarding termination in 2 C.F.R. 200.340, apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

**Record retention and access:** Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



#### Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Fraud

Detection Office, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

## 9

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

## 10

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

## 11

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

## 12

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the

OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

### 13

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f), which contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

### 14

Determination of suitability to interact with participating minors

**SCOPE.** This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ) (or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

### 15

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of

contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

## 16

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

 17

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

 18

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

## 19

### Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

## 20

### OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

## 21

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

## 22

### Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

## 23

### Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

## 24

### Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or

safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

## 25

### Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

## 26

### Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

## 27

### Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

## 28

### Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

## 29

### All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

## 30

### Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable

requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

 **31**

The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 120 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs at <https://justgrants.usdoj.gov/>

 **32**

Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

 **33**

Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

 **34**

Limit on use of grant funds for recipients' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

### 35

#### FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are set forth in 2 C.F.R. part 170, Appendix A ("Award Term") and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Note: In early March 2025, the reporting system that had been used for subaward reporting, the FFATA (Federal Funding Accountability and Transparency Act) Subaward Reporting System (FSRS) was retired and functionality moved to SAM.gov. For more information, including steps on how to connect your FSRS account to SAM.gov, visit <https://sam.gov/fsrs>.

### 36

The Project Director and/or any other key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved by OJP, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. Changes in program personnel, other than key personnel, require only notification to OJP and submission of resumes, unless otherwise designated in the award document.

### 37

#### Statement of Federal Involvement:

Due to the substantial Federal involvement contemplated in completion of this project, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has elected to enter into a cooperative agreement rather than a grant. This decision is based on OJP and OJJDP's ongoing responsibility to assist and coordinate projects that relate to the funded activities. OJP and OJJDP will provide input and re-direction to the project, as needed, in consultation with the recipient, and will actively

monitor the project by methods including, but not limited to, ongoing contact with the recipient. In meeting programmatic responsibilities, OJP, OJJDP, and the recipient will be guided by the following principles: responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's approved budget, and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with OJJDP. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and OJJDP. Information requests may include, but are not limited to, specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications; and/or coordination of related projects.

 **38**

Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and

14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the DOJ Financial Guide Conference Cost Chapter.

 **39**

Confidential Funds

Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification that the recipient (or the subrecipient, as applicable) has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures set forth in the DOJ Grants Financial Guide.

 **40**

Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure

that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

 **41**

**OJJDP - Web Site Notice of Federal Funding and Disclaimer**

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded in whole or in part through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

 **42**

**ICAC Task Force Standards.** The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards

 **43**

**ICAC Task Force Representation.** The recipient agrees to designate one individual from its task force to attend the ICAC Task Force commander meetings during the 12-month project period.

 **44**

**ICAC Annual Reports**

The recipient agrees to submit annual reports to OJP that set forth the following:

(A) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force. (B) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to

number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

**45**

The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.

**46**

All electronic and information technology materials developed or maintained under this award must be compliant with Section 508 of the Rehabilitation Act of 1973. Please refer to [www.section508.gov](http://www.section508.gov) for more detail.

**47**

OJJDP- OJJDP-Funded Webinars

The award recipient must comply with OJJDP's Webinar Guidelines, as described in the OJJDP Training and Technical Assistance (TTA) Standards at [https://www.ojjdp.gov/programs/Core\\_Performance\\_Standards\\_updated%20May%202012\\_508c.pdf](https://www.ojjdp.gov/programs/Core_Performance_Standards_updated%20May%202012_508c.pdf). At a minimum, OJJDP training and technical assistance providers shall submit to the OJJDP NTTAC information (i.e. title, description of the webinar, intended audience, panelists, etc.) 30 days in advance of all webinar events for the OJJDP NTTAC online calendar, use the approved OJJDP presentation template, and record events and send a copy of the files to OJJDP.

**48**

The recipient shall submit semiannual performance reports. Performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, online through the Internet at <https://justgrants.usdoj.gov>

**49**

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information

on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP website at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

## 50

The recipient's budget (and budget narrative) is pending clearance by OJP.

Prior to budget clearance (and unless there is a more restrictive condition on this award, in which case the terms of that more restrictive condition apply): The recipient may not drawdown more than 10% of the award. Pre-clearance obligations, expenditures, and drawdowns may be disallowed if not in compliance with program requirements.

The recipient should be judicious in using award funds prior to budget clearance. Generally, OJP expects that recipients (depending on the specific project scope) may need to advertise for award-funded positions, pay personnel and fringe benefits for positions budgeted under the award, plan for project activities, attend training and pay training-related travel needed to begin the project, and engage in other limited activities conducted by recipient staff (i.e., generally not requiring a subaward or procurement contract under an award).

OJP will issue an Award Condition Modification upon budget clearance.

[Load more](#)

*I have read and understand the information presented in this section of the Federal Award Instrument.*

## Award Acceptance

### **Declaration and Certification to the U.S. Department of Justice as to Acceptance**

By checking the declaration and certification box below, I--

- A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.
- B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the

best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) 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 under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

#### Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen A. Henneberg	12/22/25 11:24 AM

#### Authorized Representative

Declaration and Certification

#### Entity Acceptance

Title of Authorized Entity Official

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Name of Authorized Entity Official

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Signed Date And Time

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# Exhibit C



**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

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# "General Conditions" for OJP Awards in FY 2025

May 12, 2025

OJP expects that all (or virtually all) awards made in FY 2025 will include all of the award conditions set out below.

Individual awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

- [Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements](#)
- [Applicability of Part 200 Uniform Requirements](#)
- [Federal Civil Rights and Nondiscrimination Laws \(certification\)](#)
- [Compliance with DOJ Grants Financial Guide](#)
- [Reclassification of various statutory provisions to a new Title 34 of the United States Code](#)
- [Required training for Grant Award Administrator and Financial Manager](#)
- [Requirements related to "de minimis" indirect cost rate](#)
- [Requirement to report potentially duplicative funding](#)

- [Requirements related to System for Award Management and Universal Identifier Requirements](#)
- [Employment eligibility verification for hiring under the award](#)
- [Requirement to report actual or imminent breach of personally identifiable information \(PII\)](#)
- [All subawards \("subgrants"\) must have specific federal authorization](#)
- [Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \\$250,000](#)
- [Requirements pertaining to prohibited conduct related to trafficking in persons \(including reporting requirements and OJP authority to terminate award\)](#)
- [Determination of suitability to interact with participating minors](#)
- [Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events](#)
- [Requirement for data on performance and effectiveness under the award](#)
- [OJP Training Guiding Principles](#)
- [Effect of failure to address audit issues](#)
- [Potential imposition of additional requirements](#)
- [Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42](#)
- [Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54](#)
- [Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38](#)
- [Meaningful access requirement for individuals with limited English proficiency](#)
- [Restrictions on "lobbying"](#)
- [Compliance with general appropriations-law restrictions on the use of federal funds \(FY 2025\)](#)
- [Reporting potential fraud, waste, and abuse, and similar misconduct](#)
- [Restrictions and certifications regarding non-disclosure agreements and related matters](#)
- [Compliance with 41 U.S.C. 4712 \(including prohibitions on reprisal; notice to employees\)](#)

- Encouragement of policies to ban text messaging while driving
- Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

## Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

**Limited Exceptions.** In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that a legal notice regarding award requirements is necessary or that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such notice or exception regarding enforcement, including any such notice or exception made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](https://www.ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) 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 lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

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## Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), including, without limitation, the provisions regarding termination in 2 C.F.R. 200.340, apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

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# Federal Civil Rights and Nondiscrimination Laws (certification)

The recipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

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## Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "[DOJ Grants Financial Guide](#)" available at <https://www.ojp.gov/funding/financialguidedoj/overview>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

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## Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material

incorporated by reference through award conditions, and references set out in other award requirements.

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## Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

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## Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform

Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

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## Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant award modification (GAM) to eliminate any inappropriate duplication of funding.

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## Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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## Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

#### 4. Rules of construction

##### A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

##### B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

##### C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

##### D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

##### E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

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## **Requirement to report actual or imminent breach of personally identifiable information (PII)**

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) --(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

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## **All subawards ("subgrants") must have specific federal authorization**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

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# Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000 ↗

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

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# Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award) ↗

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

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## Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ) (or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

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## Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

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## Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

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## OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

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## Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

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## Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

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## **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R.**

### **Part 42**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

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## **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R.**

### **Part 54**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

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## **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R.**

### **Part 38**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department of Justice to support or engage in any explicitly

religious activities except when consistent with the Establishment Clause of the First Amendment to the U.S. Constitution and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates in a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, see "Nondiscrimination provisions and the Religious Freedom Restoration Act," accessible at <https://www.ojp.gov/funding/explore/legaloverview2025/civilrightsrequirements>.

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## Meaningful access requirement for individuals with limited English proficiency

The recipient, and any subrecipient at any tier, must take reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to their programs and activities to comply with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of national origin, including discrimination against individuals with LEP. Such steps may require providing language assistance services, such as interpretation or translation services. The Department of Justice guidance on compliance with this

requirement may be found at "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41455-41472) (<https://www.federalregister.gov/d/02-15207>) and is incorporated by reference here.

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## Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian Tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

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## Compliance with general appropriations-law restrictions on the use of federal funds (FY 2025)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated

at <https://ojp.gov/funding/Explore/FY25AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

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## Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Fraud Detection Office, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

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## Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits

or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

- (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

- (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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## **Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)**

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

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## **Encouragement of policies to ban text messaging while driving**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text

messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

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## Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ ↗

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

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**Date Modified:** August 29, 2025

**Date Published:** May 12, 2025



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# Exhibit D

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# Civil rights requirements associated with OJP awards

December 18, 2024

This webpage is intended to give applicants for OJP awards a **general overview** of award requirements that relate to civil rights and nondiscrimination. These requirements will be addressed in several of the "[General Conditions](#)" for FY 2025 OJP awards. Certain OJP awards will include additional conditions related to civil rights and nondiscrimination.

- [Civil rights laws and nondiscrimination provisions](#)
- [Award requirements: Assurances and award conditions](#)
- [Civil rights compliance: Access to services and benefits by individuals with limited English proficiency](#)
- [Nondiscrimination provisions that may apply to an FY 2025 OJP award](#)
- [Nondiscrimination provisions and the Religious Freedom Restoration Act](#)
- ["Methods of Administration" - Requirements applicable to States](#)

## Civil rights laws and nondiscrimination provisions

States and units of local government, public and nonprofit institutions of higher education, nonprofit organizations, for-profit businesses, and other recipients of OJP grants and

cooperative agreements may be subject to various federal civil rights laws for reasons *other than* their receipt of OJP funds. Some examples include federal civil rights laws related to discrimination on the basis of race, color, national origin, sex, religion, or disability.

Because an OJP award (that is, an OJP grant or cooperative agreement) is a form of "federal financial assistance," the recipient of an OJP award (and any "subrecipient" at any tier) must comply with **additional** civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional requirements fall into one of two categories:

- *Civil rights laws* (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially **any** entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
- *Nondiscrimination provisions*. These are requirements or restrictions that apply to certain OJP awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular OJP grant programs, or to OJP awards made under a particular legal authority. Much like the civil rights laws, these provisions apply variously to the programs, activity, or undertaking funded in whole or in part by OJP.
  - Such nondiscrimination provisions apply to some, but not all, OJP grant programs.
  - The nondiscrimination provisions that apply to an OJP award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
  - Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP award.

General information on the civil rights laws that apply to every OJP award, and on the nondiscrimination provisions that apply to some OJP awards, is available at [ojp.gov/program/civil-rights/statutes-regulations](https://www.ojp.gov/program/civil-rights/statutes-regulations)

**NOTE:** As discussed in more detail [below](#), if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

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# Award requirements: Assurances and award conditions

Programs or activities, performed by recipients, including subrecipients, at any tier, that violate any applicable Federal civil rights or nondiscrimination laws are impermissible and will not be funded. A violation of Federal civil rights law could include promoting or facilitating the violation of these laws, or unlawfully favoring individuals based on their race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector.

*Each applicant* for an OJP award must certify *prior to acceptance* of an award (typically, through OJP's "Certified Standard Assurances") that it will comply (and it will require any subrecipient at any tier to comply) with applicable civil rights laws and nondiscrimination provisions. In addition, OJP awards will include multiple conditions related to civil rights and nondiscrimination, including in the "[General Conditions](#)."

*A State agency* that applies for an OJP award should expect that an award also may include a condition concerning implementation of "Methods of Administration" to help ensure recipient and subrecipient compliance with civil rights laws. Pertinent "methods of administration" include matters such as policies and procedures for reviewing complaints of impermissible discrimination, and for monitoring compliance with civil rights laws.

When a prospective recipient executes the standard "assurances," and when a prospective recipient accepts an OJP award, the prospective recipient agrees to comply with these award requirements.

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# Civil rights compliance: Access to services and benefits by individuals with limited English proficiency

Compliance with the civil rights laws entails, among other things, taking reasonable steps to ensure that individuals with limited English proficiency ([LEP](#)) have meaningful access to OJP-funded programs or services. An individual with limited English proficiency is one whose first language is not English and who has a limited ability to read, write, speak, or understand

English. To assist recipients of DOJ awards in meeting their obligations with respect to such individuals, DOJ has published a guidance document, available on the [LEP.gov](https://lep.gov) website.

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## Nondiscrimination provisions that may apply to an OJP award

- Many OJP awards are made under OJP legal authorities set out in either Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the "1968 Act") or the Juvenile Justice and Delinquency Prevention Act of 1974 (the "JJDPA"). A nondiscrimination provision that prohibits discrimination on the basis of **race, color, religion, national origin, or sex** applies to each OJP award made under either Title I of the 1968 Act or the JJDPA.

The award document for each OJP award indicates (in the "Award Information" section of the award) the "statutory authority" under which OJP is making the award. Title I of the 1968 Act is codified at 34 U.S.C. 10101 through 10741. The JJDPA is codified at 34 U.S.C. 11101 through 11322. The nondiscrimination provision that applies to both Title I of the 1968 Act and to the JJDPA is set out at 34 U.S.C. 10228(c). Associated regulations appear in subpart D of 28 C.F.R. Part 42.

Two examples of OJP grant programs that are encompassed by this nondiscrimination provision are Edward Byrne Justice Assistance Grants ("JAG") and Title II ("Part B") Juvenile Justice Formula Grants.

- Many other OJP awards are made under the authority of the Victims of Crime Act of 1984. A nondiscrimination provision in the Victims of Crime Act that prohibits discrimination on the basis of **race, color, religion, national origin, handicap (disability), or sex** applies to each such award.

The Victims of Crime Act is codified at 34 U.S.C. 20101 through 20111. The nondiscrimination provision is set out at 34 U.S.C. 20110(e); the associated regulations appear at subpart B of 28 C.F.R. Part 94.

Two examples of OJP grant programs that are encompassed by this nondiscrimination provision are VOCA Compensation Formula Grants and VOCA Assistance Formula Grants.

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# Nondiscrimination provisions and the Religious Freedom Restoration Act [🔗](#)

As noted earlier, a nondiscrimination provision that deals with discrimination in employment on the basis of religion is read *together* with the pertinent provisions of the Religious Freedom Restoration Act of 1993. As a result, even if an otherwise-applicable nondiscrimination provision states that a recipient or subrecipient may not discriminate in employment based on religion, an OJP recipient or subrecipient that is a faith-based organization *may* consider religion in hiring, *provided* it satisfies particular requirements.

An OJP recipient that is a faith-based organization and that seeks to consider religion in hiring despite an applicable nondiscrimination provision must properly execute and submit to OJP a specific formal certification to OJP to the effect that--

1. The recipient is a religious organization that sincerely believes that providing the programs or services funded by the OJP award is an expression of its religious beliefs, that employing individuals of particular religious belief is important to its religious exercise, and that having to abandon its religious hiring practice to receive federal funding would substantially burden its religious exercise.
2. The recipient will not discriminate against *beneficiaries* (*or prospective beneficiaries*) of the programs or services funded by the OJP award on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
3. The recipient will keep any explicitly religious activities *separate in time or location* from programs or services funded by the OJP award.
4. The recipient *will not require* beneficiaries (*or prospective beneficiaries*) of programs or services funded by the OJP award to attend or participate in any explicitly religious activities. Any such participation will be purely voluntary.

To make the required certification, an appropriate, authorized official of the recipient organization must execute the [Certification Regarding Hiring Practices on the Basis of Religion](#) on behalf of the recipient. A copy of the executed certification must be submitted to OJP through the JustGrants System, promptly after acceptance of the award. The recipient must retain the signed original on file as part of its records for the OJP award.

An OJP recipient that executes and submits a certification that satisfies these requirements ordinarily may consider religion in hiring. Different rules may apply, however, if there is good

reason to question the truthfulness of the certification, or if the Department of Justice determines that it is necessary to restrict the recipient from considering religion in hiring to further a compelling government interest. (If the Department makes such a determination, the Department may impose limitations that represent the least restrictive means of furthering the compelling government interest.)

The rules that apply to subrecipients of OJP awards that are faith-based organizations are similar, except that the subrecipient is to submit the required certification to the recipient, rather than to OJP.

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## **"Methods of Administration" – Requirements applicable to States (FY 2017 Update)**

"Methods of Administration" requirements incorporated by reference through an award condition in **awards** to States will be posted at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm>.

## **"Civil Rights Compliance Specific to State Administering Agencies"**

"Methods of Administration" requirements incorporated by reference through an award condition in certain awards made **prior to FY 2017** are posted at <https://ojp.gov/funding/Explore/StateMethodsAdmin-preFY2017.htm>.

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**Date Modified:** November 21, 2025

**Date Published:** December 18, 2024



**U.S. DEPARTMENT OF JUSTICE**  
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# Exhibit E

**Closeout****(15PJDP-23-GK-05184-MECP)** PENDING-INITIATECLOSEOUTAwarded Entity Legal Name **(SAN JOSE, CITY OF)** Doing Business As: ( )

Actions ▾

Solicitation Title: OJJDP FY 2023 Invited to Apply Internet Crimes Against Children  
Solicitation Category:

Project Title: Silicon Valley Internet Crimes Against Children (ICAC) Task Force  
Federal Award Amount

Project Period: 10/1/23 - 12/31/25  
Program Office: OJ

Managing Office: OJP  
UEI: QL

DOJ Grant Manager: William Sarrano  
TIN: \*\*\*

Grant Award Administrator: Joanna Zywno

FAW Case ID FAW-178958

## Assignments



Nothing but space

✓ FUNDED AWARD INITIAL SETUP

✓ ACTIVE

INITIATE CLOSEOUT

PROGRAMMATIC CLOSEOUT

FINANCIAL CLOSEOUT

UFMS HANDOFF

## Funded Award Information

[Award Package](#)

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[Supplement 01](#)

[Supplement 02](#)

**Supplement Award Status :**

## ▼ Award Letter

December 23, 2025

Dear Joanna Zywno,

On behalf of Attorney General Pamela Bondi, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by SAN JOSE, CITY OF for an award under the funding opportunity entitled 2025 OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program – Invited To Apply. The approved award amount is \$641,658.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen A. Henneberg  
Deputy Assistant Attorney General

### **Office for Civil Rights Notice for All Recipients**

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (OCOPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical assistance, training, and other resources, please visit [www.ojp.gov/program/civil-rights-office/outreach](http://www.ojp.gov/program/civil-rights-office/outreach). If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov) or [www.ojp.gov/program/civil-rights-office/about#ocr-contacts](http://www.ojp.gov/program/civil-rights-office/about#ocr-contacts).

### Memorandum Regarding NEPA

NEPA Letter Type

—  
NEPA Letter

NEPA Coordinator

First Name

Middle Name

Last Name

### ✓ Award Information

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

## Recipient Information

**Recipient Name**

SAN JOSE, CITY OF

**DUNS Number**

063541874

**UEI**

QUA4AULJ8FM3

**Street 1**

200 E SANTA CLARA ST 13TH FL

**Street 2****City**

SAN JOSE

**State/U.S. Territory**

California

**Zip/Postal Code**

95113

**Country**

United States

**County/Parish**

—

**Province**

—

## Award Details

**Federal Award Date**

12/23/25

**Award Type**

Continuation

**Award Number**

15PJDP-23-GK-05184-MECP

**Supplement Number**

02

**Federal Award Amount**

\$641,658.00

**Funding Instrument Type**

CA

**Assistance Listing Number**

16.543

**Assistance Listings Program Title**

Missing Children's Assistance

**Statutory Authority**

Full-Year Continuing Appropriations Act, 2025  
(P.L. 119-4, 139 Stat. 9, 40; see Pub. L. No. 118-42, 138 Stat. 25, 150)

*I have read and understand the information presented in this section of the Federal Award Instrument.*

## Project Information

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

<b>Solicitation Title</b>	<b>Awarding Agency</b>
2025 OJJDP FY25 Internet Crimes Against Children (ICAC) Task Force Program – Invited To Apply	OJP
	<b>Program Office</b>
	OJJDP
<b>Application Number</b>	
GRANT14548070	

<b>Grant Manager Name</b>	<b>Phone Number</b>
William Sarrano	<a href="tel:202-616-3978">202-616-3978</a>
<b>E-mail Address</b>	
William.Sarrano@usdoj.gov	

### Project Title

Silicon Valley Internet Crimes Against Children (ICAC) Task Force

<b>Performance Period Start Date</b>	<b>Performance Period End Date</b>
10/01/2023	09/30/2026

<b>Budget Period Start Date</b>	<b>Budget Period End Date</b>
10/01/2023	09/30/2026

### Project Description

The purpose of this project is to maintain and expand Silicon Valley's regional ICAC Task Force (SVICAC) to address technology-facilitated child exploitation in order to prevent, interdict, and investigate ICAC offenses. The SVICAC Task Force's services will be directed at citizens within the surrounding multi-county service area. Services will be provided to children/youth, teachers, parents, other concerned citizens, and law enforcement agencies. The SVICAC serves eleven counties in the Bay Area, including Napa, Sonoma, Marin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey,

and San Benito. All participating agencies acknowledge that the SVICAC Task Force is a joint operation in which all agencies act as partners in joint efforts to address Internet crimes against children. The San Jose Police Department is the lead agency in the SVICAC Task Force. To achieve the project's goals and objectives, the Task Force will conduct thorough and efficient computer forensic examinations, continue on-going partnerships with County and Federal Prosecutors to increase the number of investigations, prosecutions, and build capacity within its geographical region to increase the number of agencies involved in the investigation of ICAC related offenses. The Task Force will conduct community outreach and education on Internet Safety directed towards parents and children.

*I have read and understand the information presented in this section of the Federal Award Instrument.*

## ▼ Financial Information

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**

The recipient budget is currently under review.

*I have read and understand the information presented in this section of the Federal Award Instrument.*

## ▼ Award Conditions

**This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.**



## Terms And Conditions

 1

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2025) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY25AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

 2

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

 3

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department of Justice to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment to the U.S. Constitution and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates in a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, see "Nondiscrimination provisions and the Religious Freedom Restoration Act," accessible at <https://www.ojp.gov/funding/Explore/legislation/2025/civilrightsrequirements>

 4

## Federal Civil Rights and Nondiscrimination Laws (certification)

The recipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

 5

## Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

**Limited Exceptions.** In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that a legal notice regarding award requirements is necessary or that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such notice or exception regarding enforcement, including any such notice or exception made during the period of performance, is (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm](https://www.ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) 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 lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or - unenforceable, such provision shall be deemed severable from this award.

 6

## Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.



## Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), including, without limitation, the provisions regarding termination in 2 C.F.R. 200.340, apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

**Record retention and access:** Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



## Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Fraud Detection Office, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



## Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



## Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

## 11

### Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

## 12

### Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

## 13

### Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f), which contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

## 14

### Determination of suitability to interact with participating minors

**SCOPE.** This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

## 15

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

## 16

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

#### B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

#### 17

##### Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

#### 18

##### Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

#### 19

##### Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee" **or 158**) under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

## 20

### OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

## 21

### Specific post-award approval required to use a noncompetitive approach in any procurement

contract that would exceed \$250,000 of 158

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

## 22

### Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

## 23

### Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2022, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

## 24

### Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or

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use of authority relating to a federal grant if substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

## 25

### Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

## 26

### Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

## 27

### Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

## 28

### Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

## 29

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

## 30

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

## 31

The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 120 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs at <https://justgrants.usdoj.gov/>

## 32

Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

## 33

Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

## 34

### Limit on use of grant funds for recipients' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

## 35

### FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are set forth in 2 C.F.R. part 170, Appendix A ("Award Term") and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Note: In early March 2025, the reporting system that had been used for subaward reporting, the FFATA (Federal Funding Accountability and Transparency Act) Subaward Reporting System (FSRS) was retired and functionality moved to SAM.gov. For more information, including steps on how to connect your FSRS account to SAM.gov, visit <https://sam.gov/fsrs>.

## 36

The Project Director and/or any other key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved by OJP, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. Changes in program personnel, other than key personnel, require only notification to OJP and submission of resumes, unless otherwise designated in the award document.

## 37

### Statement of Federal Involvement:

Due to the substantial Federal involvement contemplated in completion of this project, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has elected to enter into a cooperative agreement rather than a grant. This decision is based on OJP and OJJDP's ongoing responsibility to

assist and coordinate projects that relate to the funded activities. OJP and OJJDP will provide input and re-direction to the project, as needed, in consultation with the recipient, and will actively monitor the project by methods including, but not limited to, ongoing contact with the recipient. In meeting programmatic responsibilities, OJP, OJJDP, and the recipient will be guided by the following principles: responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's approved budget, and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with OJJDP. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and OJJDP. Information requests may include, but are not limited to, specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications; and/or coordination of related projects.

## 38

Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

NOTE that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the DOJ Financial Guide Conference Cost Chapter.

## 39

### Confidential Funds

Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification that the recipient (or the subrecipient, as applicable) has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures set forth in the DOJ Grants Financial Guide.

## 40

### Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

## 41

### OJJDP - Web Site Notice of Federal Funding and Disclaimer

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded in whole or in part through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

 **42**

ICAC Task Force Standards. The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards

 **43**

ICAC Task Force Representation. The recipient agrees to designate one individual from its task force to attend the ICAC Task Force commander meetings during the 12-month project period.

 **44**

ICAC Annual Reports

The recipient agrees to submit annual reports to OJP that set forth the following:

(A) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force. (B) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

 **45**

The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.

 **46**

All electronic and information technology materials developed or maintained under this award must be compliant with Section 508 of the Rehabilitation Act of 1973. Please refer to [www.section508.gov](http://www.section508.gov) for more detail.

 **47**

OJJDP- OJJDP-Funded Webinars

The award recipient must comply with OJJDP's Webinar Guidelines, as described in the OJJDP Training and Technical Assistance (TTA) Standards at

[https://www.ojjdp.gov/programs/Core\\_Performance\\_Standards\\_updated%20May%202012\\_508c.pdf](https://www.ojjdp.gov/programs/Core_Performance_Standards_updated%20May%202012_508c.pdf). At a minimum, OJJDP training and technical assistance providers shall submit to the OJJDP NTTAC information (i.e. title, description of the webinar, intended audience, panelists, etc.) 30 days in advance of all webinar events for the OJJDP NTTAC online calendar, use the approved OJJDP presentation template, and record events and send a copy of the files to OJJDP.

 **48**

The recipient shall submit semiannual performance reports. Performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://justgrants.usdoj.gov>

 **49**

The recipient's budget (and budget narrative) is pending clearance by OJP.

Prior to budget clearance (and unless there is a more restrictive condition on this award, in which case the terms of that more restrictive condition apply): The recipient may not drawdown more than 10% of the award. Pre-clearance obligations, expenditures, and drawdowns may be disallowed if not in compliance with program requirements.

The recipient should be judicious in using award funds prior to budget clearance. Generally, OJP expects that recipients (depending on the specific project scope) may need to advertise for award-funded positions, pay personnel and fringe benefits for positions budgeted under the award, plan for project activities, attend training and pay training-related travel needed to begin the project, and engage in other limited activities conducted by recipient staff (i.e., generally not requiring a subaward or procurement contract under an award).

OJP will issue an Award Condition Modification upon budget clearance.

## 50

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP website at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

[Load more](#)



*I have read and understand the information presented in this section of the Federal Award Instrument.*

## ▼ Award Acceptance

### Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the

application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) 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 under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

### Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen A. Henneberg	12/22/25 11:17 AM

### Authorized Representative

Declaration and Certification

#### Entity Acceptance

Title of Authorized Entity Official

—

Name of Authorized Entity Official

—

Signed Date And Time

—

# Exhibit F



Office of the Attorney General  
Washington, D. C. 20530

July 29, 2025

MEMORANDUM FOR ALL FEDERAL AGENCIES

FROM:

THE ATTORNEY GENERAL *[Signature]*

SUBJECT:

GUIDANCE FOR RECIPIENTS OF FEDERAL FUNDING  
REGARDING UNLAWFUL DISCRIMINATION

**I. INTRODUCTION**

One of our Nation's bedrock principles is that all Americans must be treated equally. Not only is discrimination based on protected characteristics illegal under federal law, but it is also dangerous, demeaning, and immoral. Yet in recent years, the federal government has turned a blind eye toward, or even encouraged, various discriminatory practices, seemingly because of their purportedly benign labels, objectives, or intentions. No longer. Going forward, the federal government will not stand by while recipients of federal funds engage in discrimination.

This guidance clarifies the application of federal antidiscrimination laws to programs or initiatives that may involve discriminatory practices, including those labeled as Diversity, Equity, and Inclusion ("DEI") programs.<sup>1</sup> Entities receiving federal funds, like all other entities subject to federal antidiscrimination laws, must ensure that their programs and activities comply with federal law and do not discriminate on the basis of race, color, national origin, sex, religion, or other protected characteristics—no matter the program's labels, objectives, or intentions. In furtherance of that requirement, this guidance identifies "Best Practices" as non-binding suggestions to help entities comply with federal antidiscrimination laws and avoid legal pitfalls; these are not mandatory requirements but rather practical recommendations to minimize the risk of violations.

Entities that receive federal financial assistance or that are otherwise subject to federal anti-discrimination laws, including educational institutions, state and local governments, and public and private employers, should review this guidance carefully to ensure all programs comply with their legal obligations.

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<sup>1</sup> DEI programs go by other names as well, such as Diversity, Equity, Inclusion, and Accessibility ("DEIA") and Diversity, Equity, Inclusion, and Belonging ("DEIB").

Memorandum for All Federal Agencies

Subject: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination

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## II. EXECUTIVE SUMMARY

This guidance emphasizes the significant legal risks of initiatives that involve discrimination based on protected characteristics and provides non-binding best practices to help entities avoid the risk of violations. Key points include:

- **Statutory nondiscrimination requirements:** Federal law prohibits discrimination based on protected characteristics like race, sex, color, national origin, or religion.
- **Legal pitfalls of DEI Programs:** The use of terms such as “DEI,” “Equity,” or other euphemistic terms does not excuse unlawful discrimination or absolve parties from scrutiny regarding potential violations.
- **Prohibition on Protected Characteristics as Criteria:** Using race, sex, or other protected characteristics for employment, program participation, resource allocation, or other similar activities, opportunities, or benefits, is unlawful, except in rare cases where such discrimination satisfies the relevant level of judicial scrutiny.
- **Importance of Sex-Separated Intimate Spaces and Athletic Competitions:** Compelling employees to share intimate spaces with the opposite sex or allowing men to compete in women’s athletic competitions would typically be unlawful.
- **Unlawful Proxy Discrimination:** Facially neutral criteria (e.g., “cultural competence,” “lived experience,” geographic targeting) that function as proxies for protected characteristics violate federal law if designed or applied with the intention of advantaging or disadvantaging individuals based on protected characteristics.
- **Scrutiny of Third-Party Funding:** Recipients of federal funds should ensure federal funds do not support third-party programs that discriminate.
- **Protection Against Retaliation:** Individuals who object to or refuse to participate in discriminatory programs, trainings, or policies are protected from adverse actions like termination or exclusion based on that individual’s opposition to those practices.<sup>2</sup>

## III. KEY FEDERAL ANTIDISCRIMINATION PROVISIONS AND LAW

Federal antidiscrimination laws prohibit discrimination on the basis of protected characteristics, including race, color, religion, sex, and national origin. The U.S. Supreme Court has consistently held that policies or practices based upon protected characteristics are subject to

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<sup>2</sup> Unlawful retaliation occurs when a federally funded entity takes adverse actions against employees, participants, or beneficiaries because they engage in protected activities related to opposing DEI practices they reasonably believe violate federal antidiscrimination laws.

Memorandum for All Federal Agencies

Subject: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination

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rigorous judicial scrutiny. Race-based classifications are subject to strict scrutiny, requiring a compelling governmental interest and narrowly tailored means to achieve that interest.<sup>3</sup> Sex-based classifications are subject to heightened scrutiny, requiring an exceedingly persuasive justification and substantial relation to an important governmental objective.<sup>4</sup> Discrimination based on other protected characteristics, such as religion, is also evaluated under analogous standards.<sup>5</sup> Entities receiving federal funds must comply with applicable civil rights laws, including:

- **Title VI of the Civil Rights Act of 1964:** Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance. This includes most educational institutions, healthcare providers, and state and local government agencies.
- **Title VII of the Civil Rights Act of 1964:** Prohibits employment discrimination based on, or motivated by, race, color, religion, sex, or national origin, in any terms, conditions, or privileges of employment, including hiring, promotion, demotion, termination, compensation, job transfers, training, or access to employment privileges and benefits.
- **Title IX of the Education Amendments of 1972:** Prohibits discrimination based on sex in education programs or activities receiving federal financial assistance. Title IX protections extend beyond athletics and include addressing sexual harassment, sex-based harassment, admissions policies, and equal access to resources and programs.

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<sup>3</sup> See, e.g., *Students for Fair Admissions, Inc. v. Harvard*, 600 U.S. 181, 214 (2023) (holding racial classifications by public institutions are subject to strict scrutiny and racial classifications by private institutions can serve as basis for revoking funding under Title VI); *Ricci v. DeStefano*, 557 U.S. 557, 579 (2009) (“[E]xpress, race-based decision-making violates Title VII’s command that employers cannot take adverse employment actions because of an individual’s race.”); see also *Vitolo v. Guzman*, 999 F.3d 353, 361 (6th Cir. 2021) (holding grant program with race and sex preferences is unlawful under Equal Protection Clause).

<sup>4</sup> See, e.g., *United States v. Virginia*, 518 U.S. 515, 531 (1996).

<sup>5</sup> See, e.g., *Espinoza v. Montana Dep’t of Revenue*, 591 U.S. 464, 479 (2020) (“The Free Exercise Clause, which applies to the States under the Fourteenth Amendment, protects religious observers against unequal treatment and against laws that impose special disabilities on the basis of religious status . . . . [S]trict scrutiny applies . . . because Montana’s no-aid provision discriminates based on religious status”); *Shapiro v. Thompson*, 394 U.S. 618, 631 (1969) (holding discriminating against individual for exercising fundamental constitutional rights is subject to heightened scrutiny), overruled on other grounds by *Edelman v. Jordan*, 415 U.S. 651 (1974); see also *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 540 (1993) (relying on Equal Protection principles in holding intentional discrimination against exercise of religion is subject to strict scrutiny).

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- **Equal Protection Clause of the Fourteenth Amendment:** Prohibits States from denying any person the equal protection of the laws, relevant in the context of discrimination claims involving state or local government actions.

## IV. UNLAWFUL DISCRIMINATORY POLICIES AND PRACTICES

The following is a non-exhaustive list of unlawful practices that could result in revocation of grant funding. Federal funding recipients may also be liable for discrimination if they knowingly fund the unlawful practices of contractors, grantees, and other third parties.

### A. Granting Preferential Treatment Based on Protected Characteristics

#### 1. What Constitutes Unlawful Preferential Treatment?

Preferential treatment occurs when a federally funded entity provides opportunities, benefits, or advantages to individuals or groups based on protected characteristics in a way that disadvantages other qualified persons, including such practices portrayed as “preferential” to certain groups. Such practices violate federal law unless they meet very narrow exceptions.

#### 2. Examples of Unlawful Practices

**Race-Based Scholarships or Programs:** A university’s DEI program establishes a scholarship fund exclusively for students of a specific racial group (e.g., “Black Student Excellence Scholarship”) and excludes otherwise qualified applicants of other races, even if they meet academic or financial need criteria. This extends to any race-exclusive opportunities, such as internships, mentorship programs, or leadership initiatives that reserve spots for specific racial groups, regardless of intent to promote diversity. Such race-exclusive programs violate federal civil rights law by discriminating against individuals based solely on their race or treating people differently based on a protected characteristic without meeting the strict legal standards required for race-conscious programs.

**Preferential Hiring or Promotion Practices:** A federally funded entity’s DEI policy prioritizes candidates from “underrepresented groups” for admission, hiring, or promotion, bypassing qualified candidates who do not belong to those groups, where the preferred “underrepresented groups” are determined on the basis of a protected characteristic like race.

**Access to Facilities or Resources Based on Race or Ethnicity:** A university’s DEI initiative designates a “safe space” or lounge exclusively for students of a specific racial or ethnic group.

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Subject: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination

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## **B. Prohibited Use of Proxies for Protected Characteristics**

### **1. What Constitutes Unlawful Proxies?**

Unlawful proxies occur when a federally funded entity intentionally uses ostensibly neutral criteria that function as substitutes for explicit consideration of race, sex, or other protected characteristics. While these criteria may appear facially neutral, they become legally problematic under any of the following circumstances:

- They are selected because they correlate with, replicate, or are used as substitutes for protected characteristics.
- They are implemented with the intent to advantage or disadvantage individuals based on protected characteristics.

### **2. Examples of Potentially Unlawful Proxies**

**“Cultural Competence” Requirements:** A federally funded university requires job applicants to demonstrate “cultural competence,” “lived experience,” or “cross-cultural skills” in ways that effectively evaluate candidates’ racial or ethnic backgrounds rather than objective qualifications. This includes selection criteria that advantage candidates who have experiences the employer associates with certain racial groups. For instance, requiring faculty candidates to describe how their “cultural background informs their teaching” may function as a proxy if used to evaluate candidates based on race or ethnicity.

**Geographic or Institutional Targeting:** A federally funded organization implements recruitment strategies targeting specific geographic areas, institutions, or organizations chosen primarily because of their racial or ethnic composition rather than other legitimate factors.

**“Overcoming Obstacles” Narratives or “Diversity Statements”:** A federally funded program requires applicants to describe “obstacles they have overcome” or submit a “diversity statement” in a manner that advantages those who discuss experiences intrinsically tied to protected characteristics, using the narrative as a proxy for advantaging that protected characteristic in providing benefits.

## **C. Segregation Based on Protected Characteristics**

### **1. What Constitutes Unlawful Segregation?**

Segregation based on protected characteristics occurs when a federally funded entity organizes programs, activities, or resources—such as training sessions—in a way that separates or restricts access based on race, sex, or other protected characteristics. Such practices generally violate federal law by creating unequal treatment or reinforcing stereotypes, regardless of the stated goal (e.g., promoting inclusion or addressing historical inequities). Exceptions are narrow

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and include only cases where federal law expressly permits race-based remedies for specific, documented acts of past discrimination by the institution itself, or in specialized contexts such as correctional facilities where courts have recognized compelling institutional interests.

While compelled segregation is generally impermissible, failing to maintain sex-separated athletic competitions and intimate spaces can also violate federal law. Federally funded institutions that allow males, including those self-identifying as “women,” to access single-sex spaces designed for females—such as bathrooms, showers, locker rooms, or dormitories—undermine the privacy, safety, and equal opportunity of women and girls. Likewise, permitting males to compete in women’s athletic events almost invariably denies women equal opportunity by eroding competitive fairness. These policies risk creating a hostile environment under Title VII, particularly where they compromise women’s privacy, safety, or professional standing, and can violate Title IX by denying women access to the full scope of sex-based protections in education. To ensure compliance with federal law and to safeguard the rights of women and girls, organizations should affirm sex-based boundaries rooted in biological differences.

## 2. Examples of Unlawful Practices

**Race-Based Training Sessions:** A federally funded university hosts a DEI training program that requires participants to separate into race-based groups (e.g., “Black Faculty Caucus” or “White Ally Group”) for discussions, prohibiting individuals of other races from participating in specific sessions. In contrast, a “Faculty Academic Support Network” open to all faculty interested in promoting student success avoids reliance on protected characteristics and complies with federal law.

**Segregation in Facilities or Resources:** A college receiving federal funds designates a “BIPOC-only study lounge,” facially discouraging access by students of other races. Even if access is technically open to all, the identity-based focus creates a perception of segregation and may foster a hostile environment. This extends to any resource allocation—such as study spaces, computer labs, or event venues—that segregates access based on protected characteristics, even if intended to create “safe spaces.” This does not apply to facilities that are single-sex based on biological sex to protect privacy or safety, such as restrooms, showers, locker rooms, or lodging.

**Implicit Segregation Through Program Eligibility:** A federally funded community organization hosts a DEI-focused workshop series that requires participants to identify with a specific racial or ethnic group (e.g., “for underrepresented minorities only”) or mandates sex-specific eligibility, effectively excluding others who meet objective program criteria. Use of Protected Characteristics in Candidate Selection

## 3. What Constitutes Unlawful Use of Protected Characteristics?

Unlawful use of protected characteristics occurs when a federally funded entity or program considers race, sex, or any other protected trait as a basis for selecting candidates for employment

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(e.g., hiring, promotions), contracts (e.g., vendor agreements), or program participation (e.g., internships, admissions, scholarships, training). This includes policies that explicitly mandate representation of specific groups in candidate pools or implicitly prioritize protected characteristics through selection criteria, such as “diverse slate” requirements, diversity decision-making panels, or diversity-focused evaluations. It also includes requirements that contracting entities utilize a specific level of working hours from individuals of certain protected characteristics to complete the contract. Such practices violate federal law by creating unequal treatment or disadvantaging otherwise qualified candidates, regardless of any intent to advance diversity goals.

#### **4. Examples of Unlawful Practices**

**Race-Based “Diverse Slate” Policies in Hiring:** A federally funded research institute adopts a policy requiring that all interview slates for faculty positions include a minimum number of candidates from specific racial groups (e.g., at least two “underrepresented minority” candidates), rejecting otherwise qualified candidates who do not meet this racial criterion. This extends to any policy that sets racial benchmarks or mandates demographic representation in candidate pools, such as requiring a certain percentage of finalists to be from “diverse” backgrounds.

**Sex-Based Selection for Contracts:** A federally funded state agency implements a DEI policy that prioritizes awarding contracts to women-owned businesses, automatically advancing female vendors or minority-owned businesses over equally or more qualified businesses without preferred group status. This includes any contract selection process that uses sex or race as a tiebreaker or primary criterion, such as policies favoring “minority- or women-owned” businesses without satisfying the appropriate level of judicial scrutiny.

**Race- or Sex-Based Program Participation:** A federally funded university’s internship program requires that 50% of selected participants be from “underrepresented racial groups” or female students, rejecting equally or more qualified applicants who do not meet these demographic criteria. This extends to any program—such as scholarships, fellowships, or leadership initiatives—that uses race, sex, or any other protected characteristic as a selection criterion, even if framed as addressing underrepresentation.

### **D. Training Programs That Promote Discrimination or Hostile Environments**

#### **1. What Constitutes Unlawful DEI Training Programs?**

Unlawful DEI training programs are those that—through their content, structure, or implementation—stereotype, exclude, or disadvantage individuals based on protected characteristics or create a hostile environment. This includes training that:

- Excludes or penalizes individuals based on protected characteristics.

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- Creates an objectively hostile environment through severe or pervasive use of presentations, videos, and other workplace training materials that single out, demean, or stereotype individuals based on protected characteristics.

## 2. Examples of Unlawful Practices

**Trainings That Promote Discrimination Based on Protected Characteristics:** A federally funded school district requires teachers to complete a DEI training that includes statements stereotyping individuals based on protected characteristics—such as “all white people are inherently privileged,” “toxic masculinity,” etc. Such trainings may violate Title VI or Title VII if they create a hostile environment or impose penalties for dissent in ways that result in discriminatory treatment.<sup>6</sup>

### E. Recommendations on Best Practices

**Ensure Inclusive Access:** All workplace programs, activities, and resources should be open to all qualified individuals, regardless of race, sex, or other protected characteristics. Avoid organizing groups or sessions that exclude participants based on protected traits. Some sex separation is necessary where biological differences implicate privacy, safety, or athletic opportunity.

**Focus on Skills and Qualifications:** Base selection decisions on specific, measurable skills and qualifications directly related to job performance or program participation. For example, rather than asking about “cultural competence,” assess specific skills such as language proficiency or relevant educational credentials. Criteria like socioeconomic status, first-generation status, or geographic diversity must not be used if selected to prioritize individuals based on racial, sex-based, or other protected characteristics.

**Prohibit Demographic-Driven Criteria:** Discontinue any program or policy designed to achieve discriminatory outcomes, even those using facially neutral means. Intent to influence demographic representation risks violating federal law. For example, a scholarship program must not target “underserved geographic areas” or “first-generation students” if the criteria are chosen to increase participation by specific racial or sex-based groups. Instead, use universally applicable criteria, such as academic merit or financial hardship, applied without regard to protected characteristics or demographic goals.

**Document Legitimate Rationales:** If using criteria in hiring, promotions, or selecting contracts that might correlate with protected characteristics, document clear, legitimate rationales unrelated to race, sex, or other protected characteristics. Ensure these rationales are consistently applied and are demonstrably related to legitimate, nondiscriminatory institutional objectives.

**Scrutinize Neutral Criteria for Proxy Effects:** Before implementing facially neutral criteria, rigorously evaluate and document whether they are proxies for race, sex, or other protected

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<sup>6</sup> Federal law allows for workplace harassment trainings that are focused on preventing unlawful workplace discrimination and that do not single out particular groups as inherently racist or sexist.

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characteristics. For instance, a program targeting “low-income students” must be applied uniformly without targeting areas or populations to achieve racial or sex-based outcomes.

**Eliminate Diversity Quotas:** Focus solely on nondiscriminatory performance metrics, such as program participation rates or academic outcomes, without reference to race, sex, or other protected traits. And discontinue policies that mandate representation of specific racial, sex-based, or other protected groups in candidate pools, hiring panels, or final selections. For example, replace a policy requiring “at least one minority candidate per slate” with a process that evaluates all applicants based on merit.

**Avoid Exclusionary Training Programs:** Ensure trainings are open to all qualified participants, regardless of protected characteristics. Avoid segregating participants into groups based on race, sex, or other protected characteristics. Trainings should not require participants to affirm specific ideological positions or “confess” to personal biases or privileges based on a protected characteristic.

**Include Nondiscrimination Clauses in Contracts to Third Parties and Monitor Compliance:** Incorporate explicit nondiscrimination clauses in grant agreements, contracts, or partnership agreements, requiring third parties to comply with federal law, and specify that federal funds cannot be used for programs that discriminate based on protected characteristics. Monitor third parties that receive federal funds to ensure ongoing compliance, including reviewing program materials, participant feedback, and outcomes to identify potential discriminatory practices. Terminate funding for noncompliant programs.

**Establish Clear Anti-Retaliation Procedures and Create Safe Reporting Mechanisms:** Implement and communicate policies that prohibit retaliation against individuals who engage in protected activities, such as raising concerns, filing complaints, or refusing to participate in potentially discriminatory programs. Include these policies in employee handbooks, student codes of conduct, and program guidelines. Provide confidential, accessible channels for individuals to report concerns about unlawful practices.

## **V. CONCLUSION**

Entities are urged to review all programs, policies, and partnerships to ensure compliance with federal law, and discontinue any practices that discriminate on the basis of a protected status. The recommended best practices provided in this guidance are non-binding suggestions to assist entities in avoiding legal pitfalls and upholding equal opportunity for all. By prioritizing nondiscrimination, entities can mitigate the legal, financial, and reputational risks associated with unlawful DEI practices and fulfill their civil rights obligations.