

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

Certification Regarding Hiring Practices on the Basis of Religion

This Certification is for Faith-Based Organizations Applying for or Receiving
Federal Financial Assistance from the U.S. Department of Justice

Some federal statutes authorizing grant programs from the U.S. Department of Justice (Department or DOJ) contain nondiscrimination provisions that prohibit recipients from discriminating on the basis of religion in employment. One such statute, under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), as amended, 34 U.S.C. § 10228(c), specifically provides that “[n]o person in any State shall on the ground of . . . religion . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under” the statute. The Juvenile Justice and Delinquency Prevention Act of 1974 (JJJPA), as amended, at 34 U.S.C. § 11182(b); the Victims of Crime Act of 1984 (VOCA), as amended, 34 U.S.C. § 20110(e); and the Violence Against Women Act of 1994 (VAWA), as amended, 34 U.S.C. § 12991(b)(13), all contain similar provisions.

The Religious Freedom Restoration Act of 1993 (RFRA), as amended, at 42 U.S.C. § 2000bb-1, provides that the federal government and other covered entities may not substantially burden a person’s exercise of religion unless it demonstrates that the burden “(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” Accordingly, the Department has concluded that on a case-by-case basis the RFRA may allow some faith-based organizations to receive a grant or cooperative agreement while maintaining a hiring preference for co-religionists, even when the authorizing statute for the grant program expressly forbids religious discrimination in employment.

Entities receiving an award under the Omnibus Act, VOCA, JJJPA, or VAWA that also seek an exemption from religious discrimination in hiring must complete and retain an original, signed Certification Regarding Hiring Practices on the Basis of Religion for their records. Direct Recipients of awards must also submit a copy of the signed Certification (below) to the Department through the Justice Grants System (JustGrants) as an Award Deliverable promptly after acceptance of an award. A subrecipient of an award should submit a copy of the signed Certification to the Direct Recipient, who shall submit the copy of the Certification to the Department through JustGrants.

Based on the above and on behalf of the Recipient, and in support of its application, I certify under penalty of perjury to the U.S. Department of Justice that all the following are true and correct:

- I am an Authorized Official of the Recipient named below, and I have the authority to make this certification on behalf of the Recipient (that is, the entity applying directly to the Department). I understand that the Department will rely upon this certification as a material representation in any decision regarding an award to the Recipient.
- The Recipient is a faith-based organization that sincerely believes that providing the programs or services funded under the award by the Department is an expression of its religious beliefs, that employing individuals of a particular religious belief is important to its religious exercise, and that having to abandon its religious hiring practice to receive Department funding would substantially burden its religious exercise.
- The Recipient will not discriminate against beneficiaries (or prospective beneficiaries) of programs or services funded by the Department award, in providing services funded by the award or conducting outreach activities related to such services, 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.

- The Recipient will keep any explicitly religious activities separate in time or location from any programs or services funded by the Department award, and participation in explicitly religious activities will be voluntary for beneficiaries of programs or services funded by the Department award.
- The Recipient providing social services must give a written notice to a beneficiary or prospective beneficiary that is “substantially similar” to the notice found at 28 C.F.R. Part 38, Appendix C. 28 C.F.R. § 38.6(b).

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

Signature of Authorized Official

Date of Certification

Printed Name of Authorized Official

Title of Authorized Official

Name of Recipient (*i.e.*, the Recipient of the DOJ award)