

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

MARICAR PILOTIN-FREITAS
ADMINISTRATOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
WORKFORCE DEVELOPMENT DIVISION

830 PUNCHBOWL STREET, ROOM 329
HONOLULU, HAWAII 96813
<http://labor.hawaii.gov/wdd/>
Phone: (808) 586-8877 / Fax: (808) 586-8822
Email: dlir.workforce.develop@hawaii.gov

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WIOA JOINT BULLETIN NO. 01-23

TO: WIOA Partners and WDD Staff

FROM: Maricar Pilotin-Freitas, Administrator
Workforce Development Division

A handwritten signature in blue ink, reading "Maricar Pilotin-Freitas".

SUBJECT: The Stevens Amendment

PURPOSE

The purpose of this bulletin is to reissue WIOA Bulletin No. 06-22 as a WIOA Joint Bulletin to cover both Titles I and III of the Workforce Innovation and Opportunity Act (WIOA) under the Stevens Amendment (Public Law 101-166), as it pertains to transparency of federal grant funds awarded.

BACKGROUND

Since 1989, an appropriations provision, known as the Stevens Amendment, has reflected Congress' longstanding effort to ensure transparency and accountability in federal grant spending. The Stevens Amendment is an appropriations provision that requires grantees to disclose for a grant program the percent of the costs financed with federal funds, the federal dollar amount, and the percentage and dollar amount financed by nongovernmental funds. These funding disclosures must be made when issuing statements, press releases, bid solicitations, and other documents describing their grant project or program.

Public Law 101-166, Section 511, Stevens Amendment, states that when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds including but not limited to State and local governments, shall clearly state:

1. *the percentage of the total costs of the program or project which will be financed with federal funds;*
2. *the dollar amount of federal funds for the project or program; and*
3. *the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.*

POLICY

WDD Employment Service providers shall ensure that all branded and public-facing materials including but not limited to websites, presentations, and outreach materials must include language that follows the requirement to provide information in public communications as specified by the Stevens Amendment.

Examples of acceptable language are as follows:

- *“This project is 100% federally funded in the amount of \$100,000.”*
- *“This opportunity is 50% federally funded by the Employment and Training Administration of the U.S. Department of Labor and 50% State funded by the (State of Hawaii grant) as part of an award totaling \$200,000.”*
- *“This [event/project/publication/program/website, etc.] is federally supported by the Employment and Training Administration of the U.S. Department of Labor with 50% of funds financed from non-governmental sources as part of an award totaling \$100,000.”*
- *“The total cost of this [project/program/website, etc.] is \$100,000, of which 75% (\$75,000) is federally financed by the U.S. Department of Labor and 25% (\$25,000) is financed by non-governmental sources.”*
- *“Hawaii’s National Dislocated Worker Disaster Recovery program is supported by the U.S. Department of Labor. A total of \$900,000, or 90 percent of the program, is financed with federal funds, and \$100,000, or 10 percent, is funded by other sources.”*
- *“These services are 100% federally funded by U.S. Department of Labor grants for Wagner-Peyser, Jobs for Veterans State Grants, and Senior Community Services Employment Program, the sum of which is \$100,000 for Oahu.”*

Additional information may be found in the attached Stevens Amendment Questions and Answers document.

EFFECTIVE DATE

This bulletin is effective immediately.

INQUIRIES

Inquiries regarding this bulletin may be directed to Ms. Tricia Malloy at (808) 586-8818 or Tricia.Y.Malloy@hawaii.gov

REFERENCES

- Public Law 101-166, Section 511, Stevens Amendment (Nov. 21, 1989)

ATTACHMENTS

Attachment I: The Stevens Amendment Question and Answers

The Stevens Amendment Questions and Answers

Q1. What is the Stevens Amendment?

Since 1989, the United States Department of Labor's (DOL) annual appropriation has included a provision known as the Stevens Amendment. Its purpose is to ensure transparency and accountability in federal spending. This provision requires the recipients of DOL grants and cooperative agreements to acknowledge federal funding when publicly discussing any projects or programs that DOL funded through its annual appropriation. For fiscal year 2021, this provision appeared in section 505 of division H of Public Law [116-260](#).

Q2. What does the Stevens Amendment require?

The text of the amendment says:

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this act, shall clearly state—

- (1) the percentage of the total costs of the program or project which will be financed with Federal money;*
- (2) the dollar amount of Federal funds for the project or program; and*
- (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.*

When enforcing this requirement, Veterans' Employment and Training Service (VETS) will make the following interpretations and assumptions:

- The disclosures required by the Stevens Amendment apply to all public materials describing projects or programs funded through the DOL annual appropriation, not just printed materials.
- "Non-governmental sources" means any funding source other than the Federal Government. In this document, we use the term "non-federal funds" or "non-federal sources" for clarity.
- The Stevens Amendment does not require a disclosure of the cost of creating or issuing the particular statement, website, or other documents subject to the disclosure. It only requires disclosure of the total funding for the relevant project or program (e.g., the Jobs for Veterans' State Grant (JVSG) program in the state) that is described.

Q3. What kinds of documents or locations commonly lack the required Stevens Amendment disclosure?

Based on an informal review of publicly available information, some examples of documents and statements that commonly lack the Stevens Amendment disclosure statement, due to being overlooked, include:

- State Workforce Agency (SWA) Requests for Proposals (RFPs)
- SWA websites
- SWA outreach materials (posters, flyers, brochures, resource guides, etc.) advertising services available at American Job Centers (AJCs)
- Marketing materials advertising AJC services and programs

- Press releases and other public statements
- Social media posts referencing SWA programs, services, grants, etc.
- Bid solicitations

Q4. What form should the Stevens Amendment disclosure statement take?

The general structure can take this form:

The [project/ program] is supported by the [federal agency]. A total of \$[amount], or [percentage] percent of [project/program] [is/ will be] financed with federal funds, and \$[amount], or [percentage] percent [is/will be] funded by other sources.

For example:

Montana’s Jobs for Veterans State Grant program is supported by the U.S. Department of Labor. A total of \$900,000, or 90 percent, of the program is financed with federal funds, and \$100,000, or 10 percent, is funded by other sources.

Alternatively, if the program or project is solely financed by the Federal Government:

Florida’s Jobs for Veterans State Grant program is 100 percent funded by the U.S. Department of Labor through awards totaling \$15,000,000.

If a project or program has multiple funding sources, each award does not need to be listed separately. For example, documents or websites in many states generally describe programs for veterans that JVSG (through DOL-VETS) and the Wagner-Peyser Employment Service (through DOL-Employment and Training Administration (ETA)) fund.

For example:

The State of Utah’s veteran employment program is federally funded with \$8,000,000 (80 percent). Additionally, 20 percent (\$2,000,000) is financed by non-federal sources.

Q5. Can you provide examples of disclosure statements that would not fully meet the requirements?

The following examples do not meet the Stevens Amendment disclosure statement requirement:

- *“Disclosure of Federal Participation — Projects or programs funded in whole or in part with Federal grant money must credit the federal government for the federal government’s portion of the financial support. This web page citation informs the public that the use of Federal dollars in meeting the Stevens Amendment requirement. Staff development opportunities, resource purchases, equipment and personnel have been funded in whole or in part with Federal entitlement dollars.”*
 - This statement does not contain the federal funding entity, the amount and percentage of funds from the federal source, or the funding and percentage that any non-federal entities provided.
- *“XXX is funded through the Governor’s Emergency Education Relief fund as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Workforce Innovation and Opportunity Act (WIOA) funding.”*
 - This statement does not contain the federal funding, amount, percentage of funds from federal source(s), or funding and percentage amounts (if any) that non-federal entities provided.

- *“Proposed Sub award Amount: The One-Stop Operator will be funded as a WIOA Title I sub award. For planning purposes, bidders should estimate WIOA funding of up to \$150,000 for this RFP.*
 - This statement does not contain the federally provided percentage of funds, the total dollar amount of federal funds supporting the project or program, or the funding and percentage amounts (if any) non-federal entities provided.

Q6. What if a solicitation spans multiple years?

The Stevens Amendment does not specify whether grantees should disclose their annual award amount or cumulative award amount. We recommend using the annual award amount, i.e., the amount of federal funding the grantee received for the budget period and not the longer project period.

Q7. Is the Stevens Amendment language required in financial or non-financial contracts?

Contracts do not require the Stevens Amendment disclosure statement. The disclosure is necessary only when issuing statements, press releases, RFPs, bid solicitations, and other publicly available documents describing projects or programs funded in whole or in part with federal money. Grantees receiving federal funds, including those from state and local governments, must clearly state the following in the funding disclosure notice:

- The total dollar amount of federal funds supporting the specific project or program;
- The percentage of total costs that federal funds financed; and
- The percentage and dollar amount of the total costs non-federal sources (if any) financed.

Q8. Which amount should be included in the disclosure statement?

Recipients must provide the total amount of federal funds that support the project or program and the percentage of total costs federal funds financed. Because the Stevens Amendment does not specify whether to use the current year’s annual amount allotted, the amount received during the current year (i.e., incremental funding), or the cumulative amount (i.e., the total amount for all combined awards within the period of performance) recipients may choose. VETS recommends using the current fiscal year’s annual award amount received for the budget period. Whichever method is used, the recipient should consistently use that method for all Stevens Amendment disclosures across all programs.

Q9. What types of press releases are subject to the Stevens Amendment?

Press releases describing projects or programs funded in whole or in part with federal money must include the disclosure statement. Because AJCs are funded extensively with federal funds, all AJC press releases require careful review. Also, if those communications describe a project or program that federal funds subject to the Stevens Amendment financed in whole or in part, then the press release must include the required funding disclosures.

Q10. Does the disclosure statement need to be on organizational websites?

Organizational websites describing projects or programs that federal funds subject to the Stevens Amendment funded in whole or in part must contain the disclosure statement.

Q11. Is the Stevens Amendment disclosure required on every page of the document or website?

No, the Stevens Amendment disclosure is not required on every page of the document or website, but at least one page must contain the disclosure statement.

Q12. Within any communication, what language is considered “describing projects or programs”?
Any communication made in furtherance of accomplishing the goals of a federal project or program for which the grantee has an award is a description of projects or programs.

Q13. Which communications are included in “other documents”?
In the Stevens Amendment, “other documents” is any communication including but not limited to: public statements, social media posts, toolkits, resource guides, websites, and visual presentations. For example, an emailed newsletter intended for the public that describes a federally funded program requires the disclosure statement. The following list includes some examples of documents or other publications that may describe a project or program that federal money funds in whole or in part:

- Bids for solicitations
- Blogs/vlogs
- Brochures
- E-mail blasts
- Manuals
- Press releases
- Promotional materials (e.g., fliers, advertisements)
- Requests for proposals (e.g., supplemental and continuation proposals)
- Resource guides
- Those documents that include statements about the program or project
- Toolkits
- Visual presentations (e.g., PowerPoint presentations)
- Websites

Q14. Would a tagline like this suffice as a disclosure statement? “Grantee of xxxxx is fully funded by federal funds through direct awards and sub-awards.”

No. The Stevens Amendment requires both a dollar amount and the percentage (as applicable) of federal funds provided for the project or program.

Q15. We use social media posts to announce services, training programs, etc. Is a disclosure statement required for social media posts? If so, does it need to be in the body of the item or can it be in a tagline?

Yes, a disclosure statement is required for social media posts. The statement does not need to be in a specific part of the communication; it only needs to clearly state the required information.

Q16. Some social media platforms, like Twitter, have a limited number of characters. How can we include the disclosure statement in this circumstance?

When it is not practical to put the disclosure statement within the electronic communication, a hyperlink to the statement is sufficient.

Q17. Can the statement include a link on digital or printed material in place of a dollar amount while including the rest of the required information?

If the material is digital, a hyperlink is fine. Because it is not possible to hyperlink on a printed document, including one would not be sufficient to meet the notification requirement.

Q18. On a bid solicitation, the cost is not known in advance. What amount should we then include in the disclosure statement?

The amount in the disclosure statement is not the amount for the specific item that is the subject of the communication (such as a bid solicitation, in this example). Use the amount and percentage, as applicable, for the entire project or program.

Q19. Is a disclosure statement required on communications related to indirect funding, such as an RFP for payroll processing?

No. A disclosure statement is only required for activities that further the goals of a federal project or program. Indirect activities, although federal awards ultimately fund them through the application of an indirect cost rate, do not directly further the goals of a federal project or program.

Q20. Should monitoring for compliance include programmatic reports, fiscal reports, or both?

Both.

Q21. What must grantees of federal funds do to ensure compliance with the Stevens Amendment?

Grantees are encouraged to create a compliance monitoring plan that includes:

- Providing copies of the programmatic and fiscal monitoring reports to the grants compliance specialist to ensure compliance with the Stevens Amendment.
- Requiring Stevens Amendment provisions be listed in all policies, processes, and monitoring procedures.
- Updating grantee financial monitoring tools to ensure this requirement is met.

Q22. What are the penalties for noncompliance?

Although no sanctions are specified for noncompliance, failure to comply could be considered a breach of responsibilities and may result in a corrective action plan; conditions placed on the award; or termination, suspension, or debarment of funds awarded. However, the U.S. House of Representatives recently introduced a bill that, if passed, will penalize noncompliant recipients ([The Cost Openness and Spending Transparency Act of 2021](#)).

Q23. We have existing brochures and other printed material documents describing projects or programs funded in whole or in part with federal money that do not include the required statement. Do we need to throw them away?

No. Grantees do not have to throw away materials that do not include a Stevens Amendment disclosure, but you must update documents in future printings to meet the Stevens Amendment requirements; the intention is to come into compliance — not to waste existing resources.

Q24. What are potential audit points?

VETS will audit states' compliance with the Stevens Amendment in accordance with VPL 02-21 JVSG Triennial Audit Program, or the most recent guidance on this topic. These audits may result in an "area of concern" designation for this triennial cycle. States must submit a formal response to any areas of concern, and then VETS will determine the appropriate remediation steps. Please refer to question 22 for potential sanctions for noncompliance with grant terms and conditions.

Q25. Do Priority of Service posters at AJCs need to include the Stevens Amendment disclosure?

Priority of Service is not a “program” or “project”; it is a law and requirement for states to implement. Therefore, documents (e.g., brochures, posters, websites, etc.) that solely speak to Priority of Service do not require a Stevens Amendment disclosure. However, if the document goes on to list services that are available to veterans that federal funds paid for, then the disclosure is required.

Q26. Where can I go to learn more?

- [Public Law 115-31, Division H, Title V, Section 505, page 428](#)
- [GAO Report to Congress \(March 2021\)](#)