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STATE INSTRUCTION NUMBER 22-01

To: Local Workforce Area Signatory Officials
Local Workforce Area Board Chairs
Local Workforce Area Administrators
DEW Area Directors
DEW Regional Managers

Subject: Stevens Amendment Requirement for Federal Grant Awardees

Issuance Date: August 2, 2022

Effective Date: November 2, 2022

Purpose: To provide guidance for Local Workforce Development Areas (LWDAs) on compliance under the Stevens Amendment pertaining to transparency of federal grant funds awarded to LWDAs.

References:

- Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, Public Law 101-166, § 511
- Consolidated Appropriations Act, 2022, Public Law 117-103, Division H, § 505
- USDOL/ETA Grantee Handbook (June 2020) § 2, K
- FY 2021 DOL Standard Federal Award Terms & Conditions § 15(a)

Background: First added to the appropriations act for the US Departments of Labor (DOL), Health and Human Services (HHS), and Education (Education) in 1989, the Stevens Amendment is an appropriations provision, requiring grantees of federal funding to acknowledge federal funding when publicly discussing projects or programs funded through federal annual appropriations.

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 DOL's annual appropriation, shall clearly state the following:

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

Policy: All SC Works and LWDA materials that communicate information regarding programs funded in whole or part with federal funds including award announcements, requests for proposals, bid invitations, presentations, website content, social media content, press releases, and marketing materials must include language in compliance with the Stevens Amendment. Compliance is required for activities that directly support and further the goals of the federal award or grant. It is not required for activities covered through indirect costs. For materials funded by multi-year federal grants or awards, only the funding for the current program year must be disclosed.

The general structure should take this form:

This [project/publication/program/website, etc.] [is/was] supported by the [federal sub-agency] of the [federal agency] as part of an award totaling \$XX [insert total Notice of Award (NOA) amount here] with \$XX (XX%) financed from state, local, and/or non-governmental sources.

For example:

This Workforce Innovation and Opportunity Act bid solicitation is supported by the Employment and Training Administration of the U.S. Department of Labor as part of an award totaling \$273,633 with \$0 (0%) financed from state, local, and/or non-governmental sources.

Alternatively (assuming only federal funding):

This Workforce Innovation and Opportunity Act bid solicitation is supported by the Employment and Training Administration of the U.S. Department of Labor as part of an award totaling \$273,633.

If a project or program has multiple funding sources, it is not necessary to list each award separately. For example (assuming only federal funding):

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This one-stop bid solicitation is fully supported by the U.S. Departments of Labor, Health and Human Services, and Agriculture as part of awards totaling [applicable Notice of Funds Authorization (NFA) total award amounts].

Answers to frequently asked questions and examples of Stevens Amendment statements/acknowledgements are attached to this state instruction.

Action: Please ensure that all appropriate managers, staff, and partners understand and comply with the Stevens Amendment.

Inquiries: Questions may be directed to Policies and Procedures at PolnPro@dew.sc.gov.



Kevin Cummings, Assistant Executive Director
Technical Services, Policies, and Reporting

Attachments:

Attachment A: Stevens Amendment – Frequently Asked Questions

Attachment B: Examples of Stevens Amendment Statements/Acknowledgments

Stevens Amendment – Frequently Asked Questions

What if a solicitation spans multiple years?

If a solicitation spans multiple years, only the funding currently in effect needs to be included in the acknowledgment statement. Local Workforce Development Areas (LWDAs) should review their Stevens Amendment acknowledgments for multi-year solicitations as funding changes occur, and revise the monetary amounts, as appropriate.

What amount must be used in the acknowledgment statement?

The dollar amount of federal funds being used to pay for the materials must be included in the acknowledgment statement. This will usually be the award amount. The amount is not the cost or projected cost of the item. For example, if a solicitation is issued for one activity that is part of a larger federally-financed project, the entire amount of the federal award should be referenced, not the amount/cost of the specific activity.

Will state monitoring of this requirement be programmatic, fiscal, or both?

Both.

Are press releases subject to the Stevens Amendment?

Press releases that describe projects or programs funded in whole or in part with federal money are subject to the requirement.

Does the acknowledgment statement need to be on a Local Workforce Development Board's (LWDB) website?

Yes, because the website describes projects or programs funded in whole or in part with federal money.

What is considered "describing projects or programs"?

Communications that describe projects or programs include any communication made in furtherance of accomplishing the goals of a federal project or program for which the LWDB has an award.

What is included in other documents?

"Other documents" includes, but is not limited to, any communication beyond the items listed in the Stevens Amendment, such as public statements, social media, toolkits, resource guides, websites, and visual presentations. An email that does not constitute one of the items listed in the Stevens Amendment (e.g., a bid solicitation) does not require an acknowledgment statement.

Would this simple tag line suffice as an acknowledgment statement: "Program XXX is fully funded by federal funds provided through the Governor's Workforce Board"?

No. The Stevens Amendment requires a dollar amount of federal funds for the project or program.

We use social media to announce services, training programs, hiring events, etc. Is an acknowledgment statement required for social media? If so, does it need to be in the body of the item or can it be in a tag line?

Yes, an acknowledgment statement is required for social media. However, providing a link to a press release, webpage, etc., displaying the Stevens Amendment acknowledgment is sufficient. There is no requirement that the statement appear in a specific part of the communication, only that it clearly states the required information.

Some social media, like Twitter, has a very limited number of characters. How can the acknowledgment statement be accommodated?

If it is impractical to include the acknowledgment in the communication itself, a hyperlink to the statement is allowed.

On a bid solicitation, the final cost is unknown. What amount should be used in the acknowledgment statement?

As mentioned previously, the amount in the acknowledgment statement is not the amount for the specific item; it is the awarded amount for the entire project or program, typically the federal award amount.

An entity may not know the final funding amount when issuing a Request for Proposal (RFP). What amount should be used in the acknowledgement statement?

The entity may use the current year's funding amount plus additional language supporting the impending funding amount.

For example: "The funds related to this [solicitation/agreement/request] are expected to be 100% federally-funded by the United States Department of Labor using 100% [Adult, Dislocated Worker, Youth] program funds. The federal dollars are part of awards expected to total [\$000,000], including carry forward funding from prior program years and an expected allotment level which is X% of current year funding."

Is an acknowledgment statement required on communications related to indirect funding, such as an RFP for payroll processing or janitorial work?

No. An acknowledgment statement is only required for activities that further the goals of a federal project or program. Indirect activities, though important to our overall work and ultimately funded by federal awards through the application of an indirect cost rate, do not directly further the goals of a federal project or program.

Examples of Stevens Amendment Statements/Acknowledgments

Requests for Proposals / Bid Solicitations

FUNDING AUTHORITY

A. Stevens Amendment: This solicitation is supported by the U.S. Department of Labor as part of an award totaling \$5,288,283.60 with \$0 (0%) financed from state, local, and/or non-governmental funds.

Contracts / Award Agreements

Stevens Amendment Notice: This contract is supported by the U.S. Department of Labor as part of an award totaling \$5,288,283.60 with \$0 (0%) financed from state, local, and/or non-governmental funds.

Statements, Press Releases, Flyers, and Related Documents [Bottom Tagline]

The Pathways to Success program is supported by the U.S. Department of Labor as part of an award totaling \$4,554,670.52 with \$0 (0%) financed from state, local and/or non-governmental funds.

OR

For program funding details in compliance with the Stevens Amendment, please visit [insert web address].

Webpages [Bottom Tagline]

The Wagner-Peyser program is supported by the U.S. Department of Labor as part of an award totaling \$432,302 with \$43,230 (10%) financed from state, local, and/or non-governmental funds.

OR

For program funding details in compliance with the Stevens Amendment, please visit [insert web address].

Social Media

Job seekers! The Pathways to Success program offers free job training, financial support, and career counseling! For more information visit www.PathwaystoSuccess.sc.gov. The Pathways to Success program is supported by the U.S. Department of Labor as part of an award totaling \$4,554,670.52 with \$0 (0%) financed from state, local, and/or non-governmental funds.

OR

Job seekers! The Pathways to Success program offers free job training, financial support, and career counseling! For more information visit www.PathwaystoSuccess.sc.gov. For program funding details, please visit [insert web address].