

SB1655



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1655

Introduced 2/9/2017, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

30 ILCS 708/45

Amends the Grant Accessibility and Transparency Act. Provides that the Act does not apply to certified local health departments which receive less than \$750,000 in State grants annually. Effective immediately.

LRB100 09785 MLM 19955 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Grant Accountability and Transparency Act is
5 amended by changing Section 45 as follows:

6 (30 ILCS 708/45)

7 (Section scheduled to be repealed on July 16, 2020)

8 Sec. 45. Applicability.

9 (a) The requirements established under this Act apply to
10 State grant-making agencies that make State and federal
11 pass-through awards to non-federal entities. These
12 requirements apply to all costs related to State and federal
13 pass-through awards. The requirements established under this
14 Act do not apply to private awards.

15 (a-5) Nothing in this Act shall prohibit the use of State
16 funds for purposes of federal match or maintenance of effort.

17 (b) The terms and conditions of State, federal, and
18 pass-through awards apply to subawards and subrecipients
19 unless a particular Section of this Act or the terms and
20 conditions of the State or federal award specifically indicate
21 otherwise. Non-federal entities shall comply with requirements
22 of this Act regardless of whether the non-federal entity is a
23 recipient or subrecipient of a State or federal pass-through

1 award. Pass-through entities shall comply with the
2 requirements set forth under the rules adopted under subsection
3 (a) of Section 20 of this Act, but not to any requirements in
4 this Act directed towards State or federal awarding agencies,
5 unless the requirements of the State or federal awards indicate
6 otherwise.

7 When a non-federal entity is awarded a cost-reimbursement
8 contract, only 2 CFR 200.330 through 200.332 are incorporated
9 by reference into the contract. However, when the Cost
10 Accounting Standards are applicable to the contract, they take
11 precedence over the requirements of this Act unless they are in
12 conflict with Subpart F of 2 CFR 200. In addition, costs that
13 are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C.
14 4304(a), as described in the Federal Acquisition Regulations,
15 subpart 31.2 and subpart 31.603, are always unallowable. For
16 requirements other than those covered in Subpart D of 2 CFR
17 200.330 through 200.332, the terms of the contract and the
18 Federal Acquisition Regulations apply.

19 With the exception of Subpart F of 2 CFR 200, which is
20 required by the Single Audit Act, in any circumstances where
21 the provisions of federal statutes or regulations differ from
22 the provisions of this Act, the provision of the federal
23 statutes or regulations govern. This includes, for agreements
24 with Indian tribes, the provisions of the Indian
25 Self-Determination and Education and Assistance Act, as
26 amended, 25 U.S.C. 450-458ddd-2.

1 (c) State grant-making agencies may apply subparts A
2 through E of 2 CFR 200 to for-profit entities, foreign public
3 entities, or foreign organizations, except where the awarding
4 agency determines that the application of these subparts would
5 be inconsistent with the international obligations of the
6 United States or the statute or regulations of a foreign
7 government.

8 (d) Except for 2 CFR 200.202 and 200.330 through 200.332,
9 the requirements in Subparts C, D, and E of 2 CFR 200 do not
10 apply to the following programs:

11 (1) The block grant awards authorized by the Omnibus
12 Budget Reconciliation Act of 1981 (including Community
13 Services; Preventive Health and Health Services; Alcohol,
14 Drug Abuse, and Mental Health Services; Maternal and Child
15 Health Services; Social Services; Low-Income Home Energy
16 Assistance; States' Program of Community Development Block
17 Grant Awards for Small Cities; and Elementary and Secondary
18 Education, other than programs administered by the
19 Secretary of Education under Title V, Subtitle D, Chapter
20 2, Section 583 - the Secretary's discretionary award
21 program) and both the Alcohol and Drug Abuse Treatment and
22 Rehabilitation Block Grant Award (42 U.S.C. 300x-21 to
23 300x-35 and 42 U.S.C. 300x-51 to 300x-64) and the Mental
24 Health Service for the Homeless Block Grant Award (42
25 U.S.C. 300x to 300x-9) under the Public Health Services
26 Act.

1 (D) Aid to the Aged, Blind, and Disabled (Titles I,
2 X, XIV, and XVI - AABD of the Act, as amended); and

3 (E) Medical Assistance (Medicaid) (42 U.S.C.
4 1396-1396w-5), not including the State Medicaid Fraud
5 Control program authorized by Section 1903(a)(6)(B) of
6 the Social Security Act (42 U.S.C. 1396b(a)(6)(B)).

7 (2) A federal award for an experimental, pilot, or
8 demonstration project that is also supported by a federal
9 award listed in paragraph (1) of subsection (e) of this
10 Section.

11 (3) Federal awards under subsection 412(e) of the
12 Immigration and Nationality Act of 1965 and Section 501(a)
13 of the Refugee Education Assistance Act of 1980 for cash
14 assistance, medical assistance, and supplemental security
15 income benefits to refugees and entrants and the
16 administrative costs of providing the assistance and
17 benefits under 8 U.S.C. 1522(e).

18 (4) Entitlement awards under the following programs of
19 The National School Lunch Act:

20 (A) National School Lunch Program (42 U.S.C.
21 1753);

22 (B) Commodity Assistance (42 U.S.C. 1755);

23 (C) Special Meal Assistance (42 U.S.C. 1759a);

24 (D) Summer Food Service Program for Children (42
25 U.S.C. 1761); and

26 (E) Child and Adult Care Food Program (42 U.S.C.

1 1766).

2 (5) Entitlement awards under the following programs of
3 The Child Nutrition Act of 1966:

4 (A) Special Milk Program (42 U.S.C. 1772);

5 (B) School Breakfast Program (42 U.S.C. 1773); and

6 (C) State Administrative Expenses (42 U.S.C.
7 1776).

8 (6) Entitlement awards for State Administrative
9 Expenses under The Food and Nutrition Act of 2008 (7 U.S.C.
10 2025).

11 (7) Non-discretionary federal awards under the
12 following non-entitlement programs:

13 (A) Special Supplemental Nutrition Program for
14 Women, Infants and Children under the Child Nutrition
15 Act of 1966 (42 U.S.C. 1786);

16 (B) The Emergency Food Assistance Programs
17 (Emergency Food Assistance Act of 1983) (7 U.S.C.
18 7501); and

19 (C) Commodity Supplemental Food Program (7 U.S.C.
20 612c).

21 (f) For public institutions of higher education, the
22 provisions of this Act apply only to awards funded by State
23 appropriations and federal pass-through awards from a State
24 agency to public institutions of higher education.

25 (g) Each grant-making agency shall enhance its processes to
26 monitor and address noncompliance with reporting requirements

1 and with program performance standards. Where applicable, the
2 process may include a corrective action plan. The monitoring
3 process shall include a plan for tracking and documenting
4 performance-based contracting decisions.

5 (h) The provisions of this Act shall not apply to certified
6 local health departments which receive less than \$750,000 in
7 State grants annually.

8 As used in this subsection (h), "certified local health
9 department" means a local governmental agency that administers
10 and assures health-related programs and services within its
11 jurisdiction and which is certified by the Department of Public
12 Health.

13 (Source: P.A. 98-706, eff. 7-16-14.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.