

# HB3011



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3011

by Rep. C.D. Davidsmeyer

### SYNOPSIS AS INTRODUCED:

30 ILCS 708/45

Amends the Grant Accountability and Transparency Act. Provides that grants and grant funds which may be awarded under the Act shall not include funds derived from a motor fuel tax or funds derived from the Motor Fuel Tax Fund.

LRB101 10569 RJF 55675 b

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7 (Section scheduled to be repealed on July 16, 2020)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) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to  
9 different types of awards. The same applicability applies to  
10 this Act.

11 (e) (Blank). ~~for~~

12 (f) For public institutions of higher education, the  
13 provisions of this Act apply only to awards funded by State  
14 appropriations and federal pass-through awards from a State  
15 agency to public institutions of higher education.

16 (g) Each grant-making agency shall enhance its processes to  
17 monitor and address noncompliance with reporting requirements  
18 and with program performance standards. Where applicable, the  
19 process may include a corrective action plan. The monitoring  
20 process shall include a plan for tracking and documenting  
21 performance-based contracting decisions.

22 (h) Notwithstanding any provision to the contrary, grants  
23 and grant funds which may be awarded under this Act shall not  
24 include funds derived from a motor fuel tax or funds derived  
25 from the Motor Fuel Tax Fund.

26 (Source: P.A. 100-676, eff. 1-1-19; 100-863, eff. 8-14-18;

HB3011

- 4 -

LRB101 10569 RJF 55675 b

1 revised 10-5-18.)