



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4215

Introduced 1/22/2020, by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

30 ILCS 708/45

Amends the Grant Accountability and Transparency Act. Provides that the requirements established under the Act do not apply to State shared revenues distributed by formula to units of local government from the Local Government Distributive Fund, the Personal Property Tax Replacement Fund, the Motor Fuel Tax Fund, or the Transportation Renewal Fund. Effective immediately.

LRB101 16190 RJF 65562 b

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 Sec. 45. Applicability.

8 (a) Except as otherwise provided in this Section, the ~~The~~
9 requirements established under this Act apply to State
10 grant-making agencies that make State and federal pass-through
11 awards to non-federal entities. These requirements apply to all
12 costs related to State and federal pass-through awards. The
13 requirements established under this Act do not apply to private
14 awards or State shared revenues distributed by formula to units
15 of local government from the Local Government Distributive
16 Fund, the Personal Property Tax Replacement Fund, the Motor
17 Fuel Tax Fund, or the Transportation Renewal Fund.

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

20 (b) The terms and conditions of State, federal, and
21 pass-through awards apply to subawards and subrecipients
22 unless a particular Section of this Act or the terms and
23 conditions of the State or federal award specifically indicate

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

10 When a non-federal entity is awarded a cost-reimbursement
11 contract, only 2 CFR 200.330 through 200.332 are incorporated
12 by reference into the contract. However, when the Cost
13 Accounting Standards are applicable to the contract, they take
14 precedence over the requirements of this Act unless they are in
15 conflict with Subpart F of 2 CFR 200. In addition, costs that
16 are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C.
17 4304(a), as described in the Federal Acquisition Regulations,
18 subpart 31.2 and subpart 31.603, are always unallowable. For
19 requirements other than those covered in Subpart D of 2 CFR
20 200.330 through 200.332, the terms of the contract and the
21 Federal Acquisition Regulations apply.

22 With the exception of Subpart F of 2 CFR 200, which is
23 required by the Single Audit Act, in any circumstances where
24 the provisions of federal statutes or regulations differ from
25 the provisions of this Act, the provision of the federal
26 statutes or regulations govern. This includes, for agreements

1 with Indian tribes, the provisions of the Indian
2 Self-Determination and Education and Assistance Act, as
3 amended, 25 U.S.C. 450-458ddd-2.

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

11 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
12 different types of awards. The same applicability applies to
13 this Act.

14 (e) (Blank).

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

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

25 (Source: P.A. 100-676, eff. 1-1-19; 100-863, eff. 8-14-18;
26 101-81, eff. 7-12-19.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.