

SB2284



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2284

Introduced 10/28/2019, by Sen. Andy Manar

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 14598 RJF 63508 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7 (Section scheduled to be repealed on July 16, 2020)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) Except as otherwise provided in this Section, the ~~The~~
10 requirements established under this Act apply to State
11 grant-making agencies that make State and federal pass-through
12 awards to non-federal entities. These requirements apply to all
13 costs related to State and federal pass-through awards. The
14 requirements established under this Act do not apply to private
15 awards or State shared revenues distributed by formula to units
16 of local government from the Local Government Distributive
17 Fund, the Personal Property Tax Replacement Fund, the Motor
18 Fuel Tax Fund, or the Transportation Renewal Fund.

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

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

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

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

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

1 statutes or regulations govern. This includes, for agreements
2 with Indian tribes, the provisions of the Indian
3 Self-Determination and Education and Assistance Act, as
4 amended, 25 U.S.C. 450-458ddd-2.

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

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

15 (e) (Blank).

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

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

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

1 101-81, eff. 7-12-19.)

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