



Rep. Jay Hoffman

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10200HB0412ham001

LRB102 02710 RJF 25703 a

1 AMENDMENT TO HOUSE BILL 412

2 AMENDMENT NO. _____. Amend House Bill 412 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Grant Accountability and Transparency Act
5 is 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
12 all costs related to State and federal pass-through awards.
13 The requirements established under this Act do not apply to
14 private awards, to allocations of State revenues paid over by
15 the Comptroller to units of local government and other taxing
16 districts pursuant to the State Revenue Sharing Act from the

1 Local Government Distributive Fund or the Personal Property
2 Tax Replacement Fund, or to allotments of State motor fuel tax
3 revenues distributed by the Department of Transportation to
4 units of local government pursuant to the Motor Fuel Tax Law
5 from the Motor Fuel Tax Fund or the Transportation Renewal
6 Fund.

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

9 (b) The terms and conditions of State, federal, and
10 pass-through awards apply to subawards and subrecipients
11 unless a particular Section of this Act or the terms and
12 conditions of the State or federal award specifically indicate
13 otherwise. Non-federal entities shall comply with requirements
14 of this Act regardless of whether the non-federal entity is a
15 recipient or subrecipient of a State or federal pass-through
16 award. Pass-through entities shall comply with the
17 requirements set forth under the rules adopted under
18 subsection (a) of Section 20 of this Act, but not to any
19 requirements in this Act directed towards State or federal
20 awarding agencies, unless the requirements of the State or
21 federal awards indicate otherwise.

22 When a non-federal entity is awarded a cost-reimbursement
23 contract, only 2 CFR 200.330 through 200.332 are incorporated
24 by reference into the contract. However, when the Cost
25 Accounting Standards are applicable to the contract, they take
26 precedence over the requirements of this Act unless they are

1 in conflict with Subpart F of 2 CFR 200. In addition, costs
2 that are made unallowable under 10 U.S.C. 2324(e) and 41
3 U.S.C. 4304(a), as described in the Federal Acquisition
4 Regulations, subpart 31.2 and subpart 31.603, are always
5 unallowable. For requirements other than those covered in
6 Subpart D of 2 CFR 200.330 through 200.332, the terms of the
7 contract and the Federal Acquisition Regulations apply.

8 With the exception of Subpart F of 2 CFR 200, which is
9 required by the Single Audit Act, in any circumstances where
10 the provisions of federal statutes or regulations differ from
11 the provisions of this Act, the provision of the federal
12 statutes or regulations govern. This includes, for agreements
13 with Indian tribes, the provisions of the Indian
14 Self-Determination and Education and Assistance Act, as
15 amended, 25 U.S.C. 450-458ddd-2.

16 (c) State grant-making agencies may apply subparts A
17 through E of 2 CFR 200 to for-profit entities, foreign public
18 entities, or foreign organizations, except where the awarding
19 agency determines that the application of these subparts would
20 be inconsistent with the international obligations of the
21 United States or the statute or regulations of a foreign
22 government.

23 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
24 different types of awards. The same applicability applies to
25 this Act.

26 (e) (Blank).

1 (f) For public institutions of higher education, the
2 provisions of this Act apply only to awards funded by State
3 appropriations and federal pass-through awards from a State
4 agency to public institutions of higher education.

5 (g) Each grant-making agency shall enhance its processes
6 to monitor and address noncompliance with reporting
7 requirements and with program performance standards. Where
8 applicable, the process may include a corrective action plan.
9 The monitoring process shall include a plan for tracking and
10 documenting performance-based contracting decisions.

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

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