

HB2440



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2440

Introduced 2/19/2021, 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.

LRB102 13761 RJF 19111 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
5 is amended by changing Section 45 as follows:

6 (30 ILCS 708/45)

7 Sec. 45. Applicability.

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

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

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

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

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

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

26 (c) State grant-making agencies may apply subparts A

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

7 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
8 different types of awards. The same applicability applies to
9 this Act.

10 (e) (Blank).

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

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

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

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