

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) 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 or State shared revenues distributed by formula
15 to units of local government from the Local Government
16 Distributive Fund, the Personal Property Tax Replacement Fund,
17 the Motor 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
6 subsection (a) of Section 20 of this Act, but not to any
7 requirements in this Act directed towards State or federal
8 awarding agencies, unless the requirements of the State or
9 federal awards indicate 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
15 in conflict with Subpart F of 2 CFR 200. In addition, costs
16 that are made unallowable under 10 U.S.C. 2324(e) and 41
17 U.S.C. 4304(a), as described in the Federal Acquisition
18 Regulations, subpart 31.2 and subpart 31.603, are always
19 unallowable. For requirements other than those covered in
20 Subpart D of 2 CFR 200.330 through 200.332, the terms of the
21 contract and the 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
20 to monitor and address noncompliance with reporting
21 requirements and with program performance standards. Where
22 applicable, the process may include a corrective action plan.
23 The monitoring process shall include a plan for tracking and
24 documenting 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.