



Sen. Michael W. Halpin

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10300HB0817sam003

LRB103 04410 HLH 77124 a

1 AMENDMENT TO HOUSE BILL 817

2 AMENDMENT NO. _____. Amend House Bill 817 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Treasurer Act is amended by changing
5 Section 35 as follows:

6 (15 ILCS 505/35)

7 Sec. 35. State Treasurer may purchase real property.

8 (a) Subject to the provisions of the Public Contract Fraud
9 Act, the State Treasurer, on behalf of the State of Illinois,
10 is authorized during State fiscal years 2019 and 2020 to
11 acquire real property located in the City of Springfield,
12 Illinois which the State Treasurer deems necessary to properly
13 carry out the powers and duties vested in him or her. Real
14 property acquired under this Section may be acquired subject
15 to any third party interests in the property that do not
16 prevent the State Treasurer from exercising the intended

1 beneficial use of such property.

2 (a-5) To ensure the safe and optimal operation of any real
3 property acquired under subsection (a) and any improvements
4 made to that real property, the State Treasurer, or the
5 Department of Natural Resources on the State Treasurer's
6 behalf, may acquire, at any time, any interest in any other
7 real property, and the State Treasurer may make improvements
8 and repairs on any property acquired under subsection (a) and
9 this subsection.

10 (b) Subject to the provisions of the Treasurer's
11 Procurement Rules, which shall be substantially in accordance
12 with the requirements of the Illinois Procurement Code, the
13 State Treasurer may:

14 (1) enter into contracts relating to construction,
15 reconstruction or renovation projects for any such
16 buildings or lands acquired pursuant to subsections
17 ~~subsection~~ (a) and (a-5); and

18 (2) equip, lease, operate and maintain those grounds,
19 buildings and facilities as may be appropriate to carry
20 out his or her statutory purposes and duties.

21 (c) The State Treasurer may enter into agreements with any
22 person with respect to the use and occupancy of the grounds,
23 buildings, and facilities of the State Treasurer, including
24 concession, license, and lease agreements on terms and
25 conditions as the State Treasurer determines and in accordance
26 with the procurement processes for the Office of the State

1 Treasurer, which shall be substantially in accordance with the
2 requirements of the Illinois Procurement Code.

3 (d) The exercise of the authority vested in the Treasurer
4 by this Section is subject to the appropriation of the
5 necessary funds.

6 (e) State Treasurer's Capital Fund.

7 (1) The State Treasurer's Capital Fund is created as a
8 trust fund in the State treasury. Moneys in the Fund shall
9 be utilized by the State Treasurer in the exercise of the
10 authority vested in the Treasurer by subsection (b) of
11 this Section. All interest earned by the investment or
12 deposit of moneys accumulated in the Fund shall be
13 deposited into the Fund.

14 (2) Moneys in the State Treasurer's Capital Fund are
15 subject to appropriation by the General Assembly.

16 (3) The State Treasurer may transfer amounts from the
17 State Treasurer's Administrative Fund and from the
18 Unclaimed Property Trust Fund to the State Treasurer's
19 Capital Fund. In no fiscal year may the total of such
20 transfers exceed \$500,000 or the amount appropriated by
21 the General Assembly in a fiscal year for that purpose,
22 whichever is greater ~~\$250,000~~. The State Treasurer may
23 accept gifts, grants, donations, federal funds, or other
24 revenues or transfers for deposit into the State
25 Treasurer's Capital Fund.

26 (4) After the effective date of this amendatory Act of

1 the 102nd General Assembly and prior to July 1, 2022 the
2 State Treasurer and State Comptroller shall transfer from
3 the CDB Special Projects Fund to the State Treasurer's
4 Capital Fund an amount equal to the unexpended balance of
5 funds transferred by the State Treasurer to the CDB
6 Special Projects Fund in 2019 and 2020 pursuant to an
7 intergovernmental agreement between the State Treasurer
8 and the Capital Development Board.

9 (Source: P.A. 101-487, eff. 8-23-19; 102-16, eff. 6-17-21;
10 102-558, eff. 8-20-21.)

11 Section 10. The Grant Accountability and Transparency Act
12 is amended by changing Sections 10, 15, 25, 30, 50, 60, 65, and
13 97 as follows:

14 (30 ILCS 708/10)

15 Sec. 10. Purpose. The purpose of this Act is to establish
16 uniform administrative requirements, cost principles, and
17 audit requirements for State and federal pass-through awards
18 to non-federal entities. State awarding agencies shall not
19 impose additional or inconsistent requirements, except as
20 provided in 2 CFR Part 200, Subpart B - General Provisions ~~2~~
21 ~~CFR 200.102~~, unless specifically required by State or federal
22 statute. This Act and the rules adopted under this Act do not
23 apply to private awards.

24 This Act and the rules adopted under this Act provide the

1 basis for a systematic and periodic collection and uniform
2 submission to the Governor's Office of Management and Budget
3 of information of all State and federal financial assistance
4 programs by State grant-making agencies. This Act also
5 establishes policies related to the delivery of this
6 information to the public, including through the use of
7 electronic media.

8 (Source: P.A. 98-706, eff. 7-16-14.)

9 (30 ILCS 708/15)

10 Sec. 15. Definitions. As used in this Act:

11 "Allowable cost" means a cost allowable to a project if:

12 (1) the costs are reasonable and necessary for the
13 performance of the award;

14 (2) the costs are allocable to the specific project;

15 (3) the costs are treated consistently in like
16 circumstances to both federally-financed and other
17 activities of the non-federal entity;

18 (4) the costs conform to any limitations of the cost
19 principles or the sponsored agreement;

20 (5) the costs are accorded consistent treatment; a
21 cost may not be assigned to a State or federal award as a
22 direct cost if any other cost incurred for the same
23 purpose in like circumstances has been allocated to the
24 award as an indirect cost;

25 (6) the costs are determined to be in accordance with

1 generally accepted accounting principles;

2 (7) the costs are not included as a cost or used to
3 meet federal cost-sharing or matching requirements of any
4 other program in either the current or prior period;

5 (8) the costs of one State or federal grant are not
6 used to meet the match requirements of another State or
7 federal grant; and

8 (9) the costs are adequately documented.

9 "Assistance listings" means the publicly available listing
10 of federal assistance programs managed and administered by the
11 General Services Administration, formerly known as the Catalog
12 of Federal Domestic Assistance (CFDA).

13 "Assistance listing number" or "ALN" means a unique number
14 assigned to identify a federal assistance listing, formerly
15 known as the CFDA Number.

16 "Auditee" means any non-federal entity that expends State
17 or federal awards that must be audited.

18 "Auditor" means an auditor who is a public accountant or a
19 federal, State, or local government audit organization that
20 meets the general standards specified in generally-accepted
21 government auditing standards. "Auditor" does not include
22 internal auditors of nonprofit organizations.

23 "Auditor General" means the Auditor General of the State
24 of Illinois.

25 "Award" means financial assistance that provides support
26 or stimulation to accomplish a public purpose. "Awards"

1 include grants and other agreements in the form of money, or
2 property in lieu of money, by the State or federal government
3 to an eligible recipient. "Award" does not include: technical
4 assistance that provides services instead of money; other
5 assistance in the form of loans, loan guarantees, interest
6 subsidies, or insurance; direct payments of any kind to
7 individuals; or contracts that must be entered into and
8 administered under State or federal procurement laws and
9 regulations.

10 "Budget" means the financial plan for the project or
11 program that the awarding agency or pass-through entity
12 approves during the award process or in subsequent amendments
13 to the award. It may include the State or federal and
14 non-federal share or only the State or federal share, as
15 determined by the awarding agency or pass-through entity.

16 ~~"Catalog of Federal Domestic Assistance" or "CFDA" means a~~
17 ~~database that helps the federal government track all programs~~
18 ~~it has domestically funded.~~

19 ~~"Catalog of Federal Domestic Assistance number" or "CFDA~~
20 ~~number" means the number assigned to a federal program in the~~
21 ~~CFDA.~~

22 "Catalog of State Financial Assistance" means the single,
23 authoritative, statewide, comprehensive source document of
24 State financial assistance program information maintained by
25 the Governor's Office of Management and Budget.

26 "Catalog of State Financial Assistance Number" means the

1 number assigned to a State program in the Catalog of State
2 Financial Assistance. The first 3 digits represent the State
3 agency number and the last 4 digits represent the program.

4 "Cluster of programs" means a grouping of closely related
5 programs that share common compliance requirements. The types
6 of clusters of programs are research and development, student
7 financial aid, and other clusters. A "cluster of programs"
8 shall be considered as one program for determining major
9 programs and, with the exception of research and development,
10 whether a program-specific audit may be elected.

11 "Cognizant agency for audit" means the federal agency
12 designated to carry out the responsibilities described in 2
13 CFR Part 200, Subpart F - Audit Requirements ~~2 CFR 200.513(a)~~.

14 "Contract" means a legal instrument by which a non-federal
15 entity purchases property or services needed to carry out the
16 project or program under an award. "Contract" does not include
17 a legal instrument, even if the non-federal entity considers
18 it a contract, when the substance of the transaction meets the
19 definition of an award or subaward.

20 "Contractor" means an entity that receives a contract.

21 "Cooperative agreement" means a legal instrument of
22 financial assistance between an awarding agency or
23 pass-through entity and a non-federal entity that:

24 (1) is used to enter into a relationship with the
25 principal purpose of transferring anything of value from
26 the awarding agency or pass-through entity to the

1 non-federal entity to carry out a public purpose
2 authorized by law, but is not used to acquire property or
3 services for the awarding agency's or pass-through
4 entity's direct benefit or use; and

5 (2) is distinguished from a grant in that it provides
6 for substantial involvement between the awarding agency or
7 pass-through entity and the non-federal entity in carrying
8 out the activity contemplated by the award.

9 "Cooperative agreement" does not include a cooperative
10 research and development agreement, nor an agreement that
11 provides only direct cash assistance to an individual, a
12 subsidy, a loan, a loan guarantee, or insurance.

13 "Corrective action" means action taken by the auditee that
14 (i) corrects identified deficiencies, (ii) produces
15 recommended improvements, or (iii) demonstrates that audit
16 findings are either invalid or do not warrant auditee action.

17 "Cost objective" means a program, function, activity,
18 award, organizational subdivision, contract, or work unit for
19 which cost data is desired and for which provision is made to
20 accumulate and measure the cost of processes, products, jobs,
21 and capital projects. A "cost objective" may be a major
22 function of the non-federal entity, a particular service or
23 project, an award, or an indirect cost activity.

24 "Cost sharing" means the portion of project costs not paid
25 by State or federal funds, unless otherwise authorized by
26 statute.

1 "Development" is the systematic use of knowledge and
2 understanding gained from research directed toward the
3 production of useful materials, devices, systems, or methods,
4 including design and development of prototypes and processes.

5 ~~"Data Universal Numbering System number" means the 9 digit~~
6 ~~number established and assigned by Dun and Bradstreet, Inc. to~~
7 ~~uniquely identify entities and, under federal law, is required~~
8 ~~for non federal entities to apply for, receive, and report on~~
9 ~~a federal award.~~

10 "Direct costs" means:

11 (1) costs that can be identified specifically with a
12 particular final cost objective, such as a State or
13 federal or federal pass-through award or a particular
14 sponsored project, an instructional activity, or any other
15 institutional activity, or that can be directly assigned
16 to such activities relatively easily with a high degree of
17 accuracy;

18 (2) costs charged directly to a State or federal award
19 that are for the compensation of employees who work on
20 that award, their related fringe benefits, or the costs of
21 materials and other items of expense incurred for the
22 State or federal award;

23 (3) costs that are directly related to a specific
24 award but that would otherwise be treated as indirect
25 costs;

26 (4) salaries of administrative and clerical staff only

1 if all the following conditions are met:

2 (A) the individual's services are integral to a
3 project or activity;

4 (B) the individual can be specifically identified
5 with the project or activity;

6 (C) the costs are explicitly included in the
7 budget or have the prior written approval of the State
8 awarding agency; and

9 (D) the costs are not also recovered as indirect
10 costs.

11 Costs incurred for the same purpose in like circumstances
12 must be treated consistently as either direct costs or
13 indirect costs.

14 "Equipment" means tangible personal property (including
15 information technology systems) having a useful life of more
16 than one year and a per-unit acquisition cost that equals or
17 exceeds the lesser of the capitalization level established by
18 the non-federal entity for financial statement purposes, or
19 \$5,000.

20 "Executive branch" means that branch of State government
21 that is under the jurisdiction of the Governor.

22 "Federal agency" has the meaning provided for "agency"
23 under 5 U.S.C. 551(1) together with the meaning provided for
24 "agency" by 5 U.S.C. 552(f).

25 "Federal award" means:

26 (1) the federal financial assistance that a

1 non-federal entity receives directly from a federal
2 awarding agency or indirectly from a pass-through entity;

3 (2) the cost-reimbursement contract under the Federal
4 Acquisition Regulations that a non-federal entity receives
5 directly from a federal awarding agency or indirectly from
6 a pass-through entity; or

7 (3) the instrument setting forth the terms and
8 conditions when the instrument is the grant agreement,
9 cooperative agreement, other agreement for assistance
10 covered in 2 CFR Part 200, Subpart A ~~2 CFR 200, Subpart A~~,
11 Acronyms and Definitions, or the cost-reimbursement
12 contract awarded under the Federal Acquisition
13 Regulations.

14 "Federal award" does not include other contracts that a
15 federal agency uses to buy goods or services from a contractor
16 or a contract to operate federal government owned,
17 contractor-operated facilities.

18 "Federal awarding agency" means the federal agency that
19 provides a federal award directly to a non-federal entity.

20 "Federal interest" means, for purposes of 2 CFR 200,
21 Subpart D, Post Federal Award Requirements (Performance and
22 Financial Monitoring and Reporting) or when used in connection
23 with the acquisition or improvement of real property,
24 equipment, or supplies under a federal award, the dollar
25 amount that is the product of the federal share of total
26 project costs and current fair market value of the property,

1 improvements, or both, to the extent the costs of acquiring or
2 improving the property were included as project costs.

3 "Federal program" means any of the following:

4 (1) All federal awards which are assigned a single
5 number in the assistance listings ~~CFDA~~.

6 (2) When no assistance listing ~~CFDA~~ number is
7 assigned, all federal awards to non-federal entities from
8 the same agency made for the same purpose should be
9 combined and considered one program.

10 (3) Notwithstanding paragraphs (1) and (2) of this
11 definition, a cluster of programs. The types of clusters
12 of programs are:

13 (A) research and development;

14 (B) student financial aid; and

15 (C) "other clusters", as described in the
16 definition of "cluster of programs".

17 "Federal share" means the portion of the total project
18 costs that are paid by federal funds.

19 "Final cost objective" means a cost objective which has
20 allocated to it both direct and indirect costs and, in the
21 non-federal entity's accumulation system, is one of the final
22 accumulation points, such as a particular award, internal
23 project, or other direct activity of a non-federal entity.

24 "Financial assistance" means the following:

25 (1) For grants and cooperative agreements, "financial
26 assistance" means assistance that non-federal entities

1 receive or administer in the form of:

2 (A) grants;

3 (B) cooperative agreements;

4 (C) non-cash contributions or donations of
5 property, including donated surplus property;

6 (D) direct appropriations;

7 (E) food commodities; and

8 (F) other financial assistance, except assistance
9 listed in paragraph (2) of this definition.

10 (2) "Financial assistance" includes assistance that
11 non-federal entities receive or administer in the form of
12 loans, loan guarantees, interest subsidies, and insurance.

13 (3) "Financial assistance" does not include amounts
14 received as reimbursement for services rendered to
15 individuals.

16 "Fixed amount awards" means a type of grant agreement
17 under which the awarding agency or pass-through entity
18 provides a specific level of support without regard to actual
19 costs incurred under the award. "Fixed amount awards" reduce
20 some of the administrative burden and record-keeping
21 requirements for both the non-federal entity and awarding
22 agency or pass-through entity. Accountability is based
23 primarily on performance and results.

24 "Foreign public entity" means:

25 (1) a foreign government or foreign governmental
26 entity;

1 (2) a public international organization that is
2 entitled to enjoy privileges, exemptions, and immunities
3 as an international organization under the International
4 Organizations Immunities Act (22 U.S.C. 288-288f);

5 (3) an entity owned, in whole or in part, or
6 controlled by a foreign government; or

7 (4) any other entity consisting wholly or partially of
8 one or more foreign governments or foreign governmental
9 entities.

10 "Foreign organization" means an entity that is:

11 (1) a public or private organization located in a
12 country other than the United States and its territories
13 that are subject to the laws of the country in which it is
14 located, irrespective of the citizenship of project staff
15 or place of performance;

16 (2) a private nongovernmental organization located in
17 a country other than the United States that solicits and
18 receives cash contributions from the general public;

19 (3) a charitable organization located in a country
20 other than the United States that is nonprofit and tax
21 exempt under the laws of its country of domicile and
22 operation, but is not a university, college, accredited
23 degree-granting institution of education, private
24 foundation, hospital, organization engaged exclusively in
25 research or scientific activities, church, synagogue,
26 mosque, or other similar entity organized primarily for

1 religious purposes; or

2 (4) an organization located in a country other than
3 the United States not recognized as a Foreign Public
4 Entity.

5 "Fringe benefits" has the same meaning as provided in 2
6 CFR Part 200, Subpart E - Cost Principles.

7 "Generally Accepted Accounting Principles" has the meaning
8 provided in accounting standards issued by the Government
9 Accounting Standards Board and the Financial Accounting
10 Standards Board.

11 "Generally Accepted Government Auditing Standards" means
12 generally accepted government auditing standards issued by the
13 Comptroller General of the United States that are applicable
14 to financial audits.

15 "Grant agreement" means a legal instrument of financial
16 assistance between an awarding agency or pass-through entity
17 and a non-federal entity that:

18 (1) is used to enter into a relationship, the
19 principal purpose of which is to transfer anything of
20 value from the awarding agency or pass-through entity to
21 the non-federal entity to carry out a public purpose
22 authorized by law and not to acquire property or services
23 for the awarding agency or pass-through entity's direct
24 benefit or use; and

25 (2) is distinguished from a cooperative agreement in
26 that it does not provide for substantial involvement

1 between the awarding agency or pass-through entity and the
2 non-federal entity in carrying out the activity
3 contemplated by the award.

4 "Grant agreement" does not include an agreement that
5 provides only direct cash assistance to an individual, a
6 subsidy, a loan, a loan guarantee, or insurance.

7 "Grant application" means a specified form that is
8 completed by a non-federal entity in connection with a request
9 for a specific funding opportunity or a request for financial
10 support of a project or activity.

11 "Hospital" means a facility licensed as a hospital under
12 the law of any state or a facility operated as a hospital by
13 the United States, a state, or a subdivision of a state.

14 "Illinois Stop Payment List" or "Illinois Debarred and
15 Suspended List" means the list maintained by the Governor's
16 Office of Management and Budget that contains the names of
17 those individuals and entities that are ineligible, either
18 temporarily or permanently, from receiving an award of grant
19 funds from the State.

20 "Indirect cost" means those costs incurred for a common or
21 joint purpose benefiting ~~benefitting~~ more than one cost
22 objective and not readily assignable to the cost objectives
23 specifically benefited ~~benefitted~~ without effort
24 disproportionate to the results achieved.

25 "Inspector General" means the Office of the Executive
26 Inspector General for Executive branch agencies.

1 "Loan" means a State or federal loan or loan guarantee
2 received or administered by a non-federal entity. "Loan" does
3 not include a "program income" as defined in 2 CFR 200, Subpart
4 A, Acronyms and Definitions.

5 "Loan guarantee" means any State or federal government
6 guarantee, insurance, or other pledge with respect to the
7 payment of all or a part of the principal or interest on any
8 debt obligation of a non-federal borrower to a non-federal
9 lender, but does not include the insurance of deposits,
10 shares, or other withdrawable accounts in financial
11 institutions.

12 "Local government" has the meaning provided for the term
13 "units of local government" under Section 1 of Article VII of
14 the Illinois Constitution and includes school districts.

15 "Major program" means a federal program determined by the
16 auditor to be a major program in accordance with 2 CFR Part
17 200, Subpart F - Audit Requirements ~~2 CFR 200.518~~ or a program
18 identified as a major program by a federal awarding agency or
19 pass-through entity in accordance with 2 CFR Part 200, Subpart
20 F - Audit Requirements ~~2 CFR 200.503(e)~~.

21 "Non-federal entity" means a state, local government,
22 Indian tribe, institution of higher education, or
23 organization, whether nonprofit or for-profit, that carries
24 out a State or federal award as a recipient or subrecipient.

25 "Nonprofit organization" means any corporation, trust,
26 association, cooperative, or other organization, not including

1 institutions of higher education, that:

2 (1) is operated primarily for scientific, educational,
3 service, charitable, or similar purposes in the public
4 interest;

5 (2) is not organized primarily for profit; and

6 (3) uses net proceeds to maintain, improve, or expand
7 the operations of the organization.

8 "Obligations", when used in connection with a non-federal
9 entity's utilization of funds under an award, means orders
10 placed for property and services, contracts and subawards
11 made, and similar transactions during a given period that
12 require payment by the non-federal entity during the same or a
13 future period.

14 "Office of Management and Budget" means the Office of
15 Management and Budget of the Executive Office of the
16 President.

17 "Other clusters" has the meaning provided by the federal
18 Office of Management and Budget in the compliance supplement
19 or has the meaning as it is designated by a state for federal
20 awards the state provides to its subrecipients that meet the
21 definition of a cluster of programs. When designating an
22 "other cluster", a state must identify the federal awards
23 included in the cluster and advise the subrecipients of
24 compliance requirements applicable to the cluster.

25 "Oversight agency for audit" means the federal awarding
26 agency that provides the predominant amount of funding

1 directly to a non-federal entity not assigned a cognizant
2 agency for audit. When there is no direct funding, the
3 awarding agency that is the predominant source of pass-through
4 funding must assume the oversight responsibilities. The duties
5 of the oversight agency for audit and the process for any
6 reassignments are described in 2 CFR Part 200, Subpart F -
7 Audit Requirements ~~2 CFR 200.513(b)~~.

8 "Pass-through entity" means a non-federal entity that
9 provides a subaward to a subrecipient to carry out part of a
10 program.

11 "Private award" means an award from a person or entity
12 other than a State or federal entity. Private awards are not
13 subject to the provisions of this Act.

14 "Property" means real property or personal property.

15 "Project cost" means total allowable costs incurred under
16 an award and all required cost sharing and voluntary committed
17 cost sharing, including third-party contributions.

18 "Public institutions of higher education" has the meaning
19 provided in Section 1 of the Board of Higher Education Act.

20 "Recipient" means a non-federal entity that receives an
21 award directly from an awarding agency to carry out an
22 activity under a program. "Recipient" does not include
23 subrecipients or individuals who are beneficiaries of the
24 award.

25 "Research and Development" means all research activities,
26 both basic and applied, and all development activities that

1 are performed by non-federal entities.

2 "Single Audit Act" means the federal Single Audit Act
3 Amendments of 1996 (31 U.S.C. 7501-7507).

4 "State agency" means an Executive branch agency. For
5 purposes of this Act, "State agency" does not include public
6 institutions of higher education.

7 "State award" means the financial assistance that a
8 non-federal entity receives from the State and that is funded
9 with either State funds or federal funds; in the latter case,
10 the State is acting as a pass-through entity.

11 "State awarding agency" means a State agency that provides
12 an award to a non-federal entity.

13 "State grant-making agency" has the same meaning as "State
14 awarding agency".

15 "State interest" means the acquisition or improvement of
16 real property, equipment, or supplies under a State award, the
17 dollar amount that is the product of the State share of the
18 total project costs and current fair market value of the
19 property, improvements, or both, to the extent the costs of
20 acquiring or improving the property were included as project
21 costs.

22 "State program" means any of the following:

23 (1) All State awards which are assigned a single
24 number in the Catalog of State Financial Assistance.

25 (2) When no Catalog of State Financial Assistance
26 number is assigned, all State awards to non-federal

1 entities from the same agency made for the same purpose
2 are considered one program.

3 (3) A cluster of programs as defined in this Section.

4 "State share" means the portion of the total project costs
5 that are paid by State funds.

6 "Stop payment order" means a communication from a State
7 grant-making agency to the Office of the Comptroller,
8 following procedures set out by the Office of the Comptroller,
9 causing the cessation of payments to a recipient or
10 subrecipient as a result of the recipient's or subrecipient's
11 failure to comply with one or more terms of the grant or
12 subaward.

13 "Stop payment procedure" means the procedure created by
14 the Office of the Comptroller which effects a stop payment
15 order and the lifting of a stop payment order upon the request
16 of the State grant-making agency.

17 "Student Financial Aid" means federal awards under those
18 programs of general student assistance, such as those
19 authorized by Title IV of the Higher Education Act of 1965, as
20 amended (20 U.S.C. 1070-1099d), that are administered by the
21 United States Department of Education and similar programs
22 provided by other federal agencies. "Student Financial Aid"
23 does not include federal awards under programs that provide
24 fellowships or similar federal awards to students on a
25 competitive basis or for specified studies or research.

26 "Subaward" means a State or federal award provided by a

1 pass-through entity to a subrecipient for the subrecipient to
2 carry out part of a federal award received by the pass-through
3 entity. "Subaward" does not include payments to a contractor
4 or payments to an individual that is a beneficiary of a federal
5 program. A "subaward" may be provided through any form of
6 legal agreement, including an agreement that the pass-through
7 entity considers a contract.

8 "Subrecipient" means a non-federal entity that receives a
9 State or federal subaward from a pass-through entity to carry
10 out part of a State or federal program. "Subrecipient" does
11 not include an individual that is a beneficiary of such
12 program. A "subrecipient" may also be a recipient of other
13 State or federal awards directly from a State or federal
14 awarding agency.

15 "Suspension" means a post-award action by the State or
16 federal agency or pass-through entity that temporarily
17 withdraws the State or federal agency's or pass-through
18 entity's financial assistance sponsorship under an award,
19 pending corrective action by the recipient or subrecipient or
20 pending a decision to terminate the award.

21 "Uniform Administrative Requirements, Costs Principles,
22 and Audit Requirements for Federal Awards" means those rules
23 applicable to grants contained in 2 CFR Part 200.

24 "Unique Entity Identifier" means the number that is
25 established and assigned by the federal government on the
26 System for Award Management website (SAM.gov) to uniquely

1 identify entities and, under federal law, is required for
2 nonfederal entities to apply for, receive, and report on a
3 federal award.

4 "Voluntary committed cost sharing" means cost sharing
5 specifically pledged on a voluntary basis in the proposal's
6 budget or the award on the part of the non-federal entity and
7 that becomes a binding requirement of the award.

8 (Source: P.A. 103-616, eff. 7-1-24; revised 10-24-24.)

9 (30 ILCS 708/25)

10 Sec. 25. Supplemental rules. On or before July 1, 2017,
11 the Governor's Office of Management and Budget, with the
12 advice and technical assistance of the Illinois Single Audit
13 Commission, shall adopt supplemental rules pertaining to the
14 following:

15 (1) Criteria to define mandatory formula-based grants
16 and discretionary grants.

17 (2) The award of one-year grants for new applicants.

18 (3) The award of competitive grants in 3-year terms
19 (one-year initial terms with the option to renew for up to
20 2 additional years) to coincide with the federal award.

21 (4) The issuance of grants, including:

22 (A) public notice of announcements of funding
23 opportunities;

24 (B) the development of uniform grant applications;

25 (C) State agency review of merit of proposals and

1 risk posed by applicants;

2 (D) specific conditions for individual recipients
3 (including the use of a fiscal agent and additional
4 corrective conditions);

5 (E) certifications and representations;

6 (F) pre-award costs;

7 (G) performance measures and statewide prioritized
8 goals under Section 50-25 of the State Budget Law of
9 the Civil Administrative Code of Illinois, commonly
10 referred to as "Budgeting for Results"; and

11 (H) for mandatory formula grants, the merit of the
12 proposal and the risk posed should result in
13 additional reporting, monitoring, or measures such as
14 reimbursement-basis only.

15 (5) The development of uniform budget requirements,
16 which shall include:

17 (A) mandatory submission of budgets as part of the
18 grant application process;

19 (B) mandatory requirements regarding contents of
20 the budget including, at a minimum, common detail line
21 items specified under guidelines issued by the
22 Governor's Office of Management and Budget;

23 (C) a requirement that the budget allow
24 flexibility to add lines describing costs that are
25 common for the services provided as outlined in the
26 grant application;

1 (D) a requirement that the budget include
2 information necessary for analyzing cost and
3 performance for use in Budgeting for Results; and

4 (E) caps, which may be equal to, but shall not be
5 greater than, the caps allowed by federal agencies, on
6 the amount of salaries that may be charged to grants
7 ~~based on the limitations imposed by federal agencies.~~

8 (6) The development of pre-qualification requirements
9 for applicants, including the fiscal condition of the
10 organization and the provision of the following
11 information:

12 (A) organization name;

13 (B) Federal Employee Identification Number;

14 (C) Unique Entity Identifier ~~Data Universal~~
15 ~~Numbering System (DUNS)~~ number;

16 (D) fiscal condition;

17 (E) whether the applicant is in good standing with
18 the Secretary of State;

19 (F) past performance in administering grants, if
20 applicable;

21 (G) whether the applicant is on the Debarred and
22 Suspended List maintained by the Governor's Office of
23 Management and Budget;

24 (H) whether the applicant is on the federal
25 Excluded Parties List; and

26 (I) whether the applicant is on the Sanctioned

1 Party List maintained by the Illinois Department of
2 Healthcare and Family Services.

3 Nothing in this Act affects the provisions of the Fiscal
4 Control and Internal Auditing Act nor the requirement that the
5 management of each State agency is responsible for maintaining
6 effective internal controls under that Act.

7 For public institutions of higher education, the
8 provisions of this Section apply only to awards funded by
9 federal pass-through awards from a State agency to public
10 institutions of higher education.

11 (Source: P.A. 101-81, eff. 7-12-19; 102-626, eff. 8-27-21.)

12 (30 ILCS 708/30)

13 Sec. 30. Catalog of State Financial Assistance. The
14 Catalog of State Financial Assistance is a single,
15 authoritative, statewide, comprehensive source document of
16 State financial assistance program information. The Catalog
17 shall contain, at a minimum, the following information:

18 (1) An introductory section that contains Catalog
19 highlights, an explanation of how to use the Catalog, an
20 explanation of the Catalog and its contents, and suggested
21 grant proposal writing methods and grant application
22 procedures.

23 (2) A comprehensive indexing system that categorizes
24 programs by issuing agency, eligible applicant,
25 application deadlines, function, popular name, and subject

1 area.

2 (3) Comprehensive appendices showing State assistance
3 programs that require coordination through this Act and
4 regulatory, legislative, and Executive Order authority for
5 each program, commonly used abbreviations and acronyms,
6 agency regional and local office addresses, and sources of
7 additional information.

8 (4) A list of programs that have been added to or
9 deleted from the Catalog and the various program numbers
10 and title changes.

11 (5) Program number, title, and popular name, if
12 applicable.

13 (6) The name of the State department or agency or
14 independent agency and primary organization sub-unit
15 administering the program.

16 (7) The enabling legislation, including popular name
17 of the Act, titles and Sections, Public Act number, and
18 citation to the Illinois Compiled Statutes.

19 (8) The type or types of financial and nonfinancial
20 assistance offered by the program.

21 (9) Uses and restrictions placed upon the program.

22 (10) Eligibility requirements, including applicant
23 eligibility criteria, beneficiary eligibility criteria,
24 and required credentials and documentation.

25 (11) Objectives and goals of the program.

26 (12) Information regarding application and award

1 processing; application deadlines; range of approval or
2 disapproval time; appeal procedure; and availability of a
3 renewal or extension of assistance.

4 (13) Assistance considerations, including an
5 explanation of the award formula, matching requirements,
6 ~~and~~ the length and time phasing of the assistance, and
7 whether the program is eligible for interest under the
8 State Prompt Payment Act.

9 (14) Post-assistance requirements, including any
10 reports, audits, and records that may be required.

11 (15) Program accomplishments (where available)
12 describing quantitative measures of program performance.

13 (16) Regulations, guidelines, and literature
14 containing citations to the Illinois Administrative Code,
15 the Code of Federal Regulations, and other pertinent
16 informational materials.

17 (17) The names, telephone numbers, and e-mail
18 addresses of persons to be contacted for detailed program
19 information at the headquarters, regional, and local
20 levels.

21 (Source: P.A. 98-706, eff. 7-16-14.)

22 (30 ILCS 708/50)

23 Sec. 50. State grant-making agency responsibilities.

24 (a) The specific requirements and responsibilities of
25 State grant-making agencies and non-federal entities are set

1 forth in this Act. State agencies making State awards to
2 non-federal entities must adopt by rule the language in 2 CFR
3 Part 200, Subpart C through Subpart F unless different
4 provisions are required by law.

5 (b) Each State grant-making agency shall appoint a Chief
6 Accountability Officer who shall serve as a liaison to the
7 Grant Accountability and Transparency Unit and who shall be
8 responsible for the State agency's implementation of and
9 compliance with the rules.

10 (c) In order to effectively measure the performance of its
11 recipients and subrecipients, each State grant-making agency
12 shall:

13 (1) require its recipients and subrecipients to relate
14 financial data to performance accomplishments of the award
15 and, when applicable, must require recipients and
16 subrecipients to provide cost information to demonstrate
17 cost-effective practices. The recipient's and
18 subrecipient's performance should be measured in a way
19 that will help the State agency to improve program
20 outcomes, share lessons learned, and spread the adoption
21 of promising practices; and

22 (2) provide recipients and subrecipients with clear
23 performance goals, indicators, and milestones and must
24 establish performance reporting frequency and content to
25 not only allow the State agency to understand the
26 recipient's progress, but also to facilitate

1 identification of promising practices among recipients and
2 subrecipients and build the evidence upon which the State
3 agency's program and performance decisions are made. The
4 frequency of reports on performance goals, indicators, and
5 milestones required under this Section shall not be more
6 frequent than quarterly. Nothing in this Section is
7 intended to prohibit more frequent reporting to assess
8 items such as service needs, gaps, or capacity, as
9 indicated by a corrective action plan or by a risk
10 assessment.

11 (3) ~~(e-5)~~ Each State grant-making agency shall, when
12 it is in the best interests of the State, request that the
13 Office of the Comptroller issue a stop payment order in
14 accordance with Section 105 of this Act.

15 (4) ~~(e-6)~~ Upon notification by the Grant Transparency
16 and Accountability Unit that a stop payment order has been
17 requested by a State grant-making agency, each State
18 grant-making agency who has issued a grant to that
19 recipient or subrecipient shall determine if it remains in
20 the best interests of the State to continue to issue
21 payments to the recipient or subrecipient.

22 (d) The Governor's Office of Management and Budget shall
23 provide such advice and technical assistance to the State
24 grant-making agencies as is necessary or indicated in order to
25 ensure compliance with this Act.

26 (e) In accordance with this Act and the Illinois State

1 Collection Act of 1986, refunds required under the Grant Funds
2 Recovery Act may be referred to the Comptroller's offset
3 system.

4 (Source: P.A. 100-997, eff. 8-20-18.)

5 (30 ILCS 708/60)

6 Sec. 60. Grant Accountability and Transparency Unit
7 responsibilities.

8 (a) The Grant Accountability and Transparency Unit within
9 the Governor's Office of Management and Budget shall be
10 responsible for:

11 (1) The development of minimum requirements applicable
12 to the staff of grant applicants to manage and execute
13 grant awards for programmatic and administrative purposes,
14 including grant management specialists with:

15 (A) general and technical competencies;

16 (B) programmatic expertise;

17 (C) fiscal expertise and systems necessary to
18 adequately account for the source and application of
19 grant funds for each program; and

20 (D) knowledge of compliance requirements.

21 (2) The development of minimum training requirements,
22 including annual training requirements.

23 (3) Accurate, current, and complete disclosure of the
24 financial results of each funded award, as set forth in
25 the financial monitoring and reporting Section of 2 CFR

1 Part 200.

2 (4) Development of criteria for requiring the
3 retention of a fiscal agent and for becoming a fiscal
4 agent.

5 (5) Development of disclosure requirements in the
6 grant application pertaining to:

7 (A) related-party status between grantees and
8 grant-making agencies;

9 (B) past employment of applicant officers and
10 grant managers;

11 (C) disclosure of current or past employment of
12 members of immediate family; and

13 (D) disclosure of senior management of grantee
14 organization and their relationships with contracted
15 vendors.

16 (6) Implementation of rules prohibiting a grantee from
17 charging any cost allocable to a particular award or cost
18 objective to other State or federal awards to overcome
19 fund deficiencies, to avoid restrictions imposed by law or
20 terms of the federal awards, or for other reasons.

21 (7) Implementation of rules prohibiting a non-federal
22 entity from earning or keeping any profit resulting from
23 State or federal financial assistance, unless prior
24 approval has been obtained from the Governor's Office of
25 Management and Budget and is expressly authorized by the
26 terms and conditions of the award.

1 (8) Maintenance of an Illinois Stop Payment List or an
2 Illinois Debarred and Suspended List that contains the
3 names of those individuals and entities that are
4 ineligible, either temporarily or permanently, to receive
5 an award of grant funds from the State.

6 (9) Ensuring the adoption of standardized rules for
7 the implementation of this Act by State grant-making
8 agencies. The Grant Accountability and Transparency Unit
9 shall provide such advice and technical assistance to the
10 State grant-making agencies as is necessary or indicated
11 in order to ensure compliance with this Act.

12 (10) Coordination of financial and Single Audit
13 reviews.

14 (11) Coordination of on-site reviews of grantees and
15 subrecipients.

16 (12) Maintenance of the Catalog of State Financial
17 Assistance, which shall be posted on an Internet website
18 maintained by the Governor's Office of Management and
19 Budget that is available to the public.

20 (13) Promotion of best practices for disseminating
21 information about grant opportunities to grant-making
22 agencies statewide, with an emphasis on reaching
23 previously underserved communities and grantees.

24 (b) The Grant Accountability and Transparency Unit shall
25 have no power or authority regarding the approval,
26 disapproval, management, or oversight of grants entered into

1 or awarded by a State agency or by a public institution of
2 higher education. The power or authority existing under law to
3 grant or award grants by a State agency or by a public
4 institution of higher education shall remain with that State
5 agency or public institution of higher education. The Unit
6 shall be responsible for providing technical assistance to
7 guide the Administrative Code amendments proposed by State
8 grant-making agencies to comply with this Act and shall be
9 responsible for establishing standardized policies and
10 procedures for State grant-making agencies in order to ensure
11 compliance with the Uniform Administrative Requirements, Cost
12 Principles and Audit Requirements for Federal Awards set forth
13 in 2 CFR Part 200, all of which must be adhered to by the State
14 grant-making agencies throughout the life cycle of the grant.

15 (c) The powers and functions of grant making by State
16 agencies or public institutions of higher education may not be
17 transferred to, nor may prior grant approval be transferred
18 to, any other person, office, or entity within the executive
19 branch of State government.

20 (Source: P.A. 100-676, eff. 1-1-19.)

21 (30 ILCS 708/65)

22 Sec. 65. Audit requirements.

23 (a) The standards set forth in Subpart F of 2 CFR Part 200
24 and any other standards that apply directly to State or
25 federal agencies shall apply to audits of fiscal years

1 beginning on or after December 26, 2014.

2 (b) Books and records must be available for review or
3 audit by appropriate officials of the pass-through entity, and
4 the agency, the Auditor General, the Inspector General,
5 appropriate officials of the agency, and the federal
6 Government Accountability Office.

7 (c) The Governor's Office of Management and Budget, with
8 the advice and technical assistance of the Illinois Single
9 Audit Commission, shall adopt rules that are reasonably
10 consistent with 2 CFR Part 200 for audits of grants from a
11 State or federal pass-through entity that are not subject to
12 the Single Audit Act because (1) the amount of ~~the~~ federal
13 awards expended during the entity's fiscal year ~~award~~ is less
14 than the applicable amount specified in 2 CFR Part 200,
15 Subpart F ~~\$750,000~~ or (2) the subrecipient is an exempt entity
16 as specified in ~~and that are reasonably consistent with~~ 2 CFR
17 Part 200, Subpart F.

18 (d) This Act does not affect the provisions of the
19 Illinois State Auditing Act and does not address the external
20 audit function of the Auditor General.

21 (Source: P.A. 98-706, eff. 7-16-14.)

22 (30 ILCS 708/97) (was 30 ILCS 708/520)

23 Sec. 97. Separate accounts for State grant funds.
24 Notwithstanding any provision of law to the contrary, all
25 grants for which advance payments are made and any grant

1 agreement entered into, renewed, or extended on or after
2 August 20, 2018 (the effective date of Public Act 100-997)
3 that permits advanced payments, between a State grant-making
4 agency and a nonprofit organization, shall require the
5 nonprofit organization receiving grant funds to maintain those
6 funds in an account which is separate and distinct from any
7 account holding non-grant funds. Except as otherwise provided
8 in an agreement between a State grant-making agency and a
9 nonprofit organization, the grant funds held in a separate
10 account by a nonprofit organization shall not be used for
11 non-grant-related activities, and any unused grant funds shall
12 be returned to the State grant-making agency. This Section
13 does not apply when grant payments are made as reimbursements.
14 (Source: P.A. 100-997, eff. 8-20-18; 101-81, eff. 7-12-19.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."