

1 AN ACT concerning forced labor.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 State Prohibition of Goods from Forced Labor Act.

6 Section 5. Policy. The General Assembly hereby finds and
7 declares as follows:

8 (a) The people of Illinois do not support the import of
9 any goods made by forced, convict, or indentured labor, not
10 only because it is a cruel suppression of the human right of
11 free labor and employment practices, but also because it
12 creates an unfair trade advantage for the forced, convict, or
13 indentured labor country.

14 (b) The federal Tariff Act of 1930, while prohibiting
15 the importation of any goods produced in whole or in part by
16 forced, convict, or indentured labor, does not require
17 importers to provide certificates of origin at the time of
18 importation to affirm and guarantee no forced, convict, or
19 indentured labor content.

20 (c) The federal Tariff Act of 1930 also does not require
21 the United States Customs Service to have an active,
22 self-initiated foreign surveillance program of detecting
23 forced, convict, or indentured labor-made goods and
24 preventing their entry into the United States, but relies
25 primarily upon complaints made by the public or other
26 interested groups.

27 (d) The State of Illinois wholeheartedly supports the
28 prohibition on imports produced in whole or in part by
29 forced, convict, or indentured labor and shall not knowingly
30 acquire any of those goods.

1 Section 10. Contract certification.

2 (a) Every contract entered into by any State agency for
3 the procurement of equipment, materials, or supplies, other
4 than procurement related to a public works contract, must
5 specify that no foreign-made equipment, materials, or
6 supplies furnished to the State under the contract may be
7 produced in whole or in part by forced labor, convict labor,
8 or indentured labor under penal sanction. The contractor
9 must agree to comply with this provision of the contract.

10 (b) Any contractor contracting with the State who knew
11 that the foreign-made equipment, materials, or supplies
12 furnished to the State were produced in whole or part by
13 forced labor, convict labor, or indentured labor under penal
14 sanction, when entering into a contract under subsection (a),
15 may, subject to subsection (c), have any or all of the
16 following sanctions imposed:

17 (1) The contract under which the prohibited
18 equipment, materials, or supplies were provided may be
19 voided at the option of the State agency to which the
20 equipment, materials, or supplies were provided.

21 (2) The contractor may be assessed a penalty which
22 must be the greater of \$1,000 or an amount equaling 20%
23 of the value of the equipment, materials, or supplies
24 that the State agency demonstrates were produced in whole
25 or in part by forced labor, convict labor, or indentured
26 labor under penal sanction and that were supplied to the
27 State agency under the contract.

28 (3) The contractor may be suspended from bidding on
29 a State contract for a period not to exceed 360 days.

30 Any moneys collected under this subsection shall be
31 deposited into the General Revenue Fund.

32 (c) When imposing the sanctions described in subsection
33 (b), the contracting agency must notify the contractor of the
34 right to a hearing if requested within 15 days after the date

1 of the notice. The hearing must be before an administrative
2 law judge according to the Illinois Administrative Procedure
3 Act. The administrative law judge must consider any measures
4 the contractor has taken to ensure compliance with this
5 Section and may waive any or all of the sanctions if it is
6 determined that the contractor has acted in good faith.

7 The agency must be assessed the cost of the
8 administrative hearing, unless the agency has prevailed in
9 the hearing, in which case the contractor shall be assessed
10 the cost of the hearing.

11 (d) Any State agency that investigates a complaint
12 against a contractor for violation of this Section must limit
13 its investigation to evaluating the information provided by
14 the person or entity submitting the complaint and the
15 information provided by the contractor.

16 (e) For purposes of this Section, the term "forced
17 labor" has the same meaning as in the federal Tariff Act of
18 1930.