

AN ACT concerning forced labor.

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

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

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

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

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

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

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

Section 10. Contract certification.

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

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

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

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

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

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

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

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

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

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

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