



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5914

Introduced 11/19/2024, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45.62 new

30 ILCS 105/5.1015 new

Creates the Enslavement Era Disclosure and Redress Act. Requires each contractor that participates in a competitive bid with the State to review its records for evidence of the contractor's or a related party's participation in slaveholding or the slave trade and to make certain disclosures with respect to that participation. Contains notice concerning public hearings following the disclosures. Provides that the Illinois Office of Equity shall appoint an administrator to oversee the program. Provides that each contractor that has disclosed participation in slaveholding or the slave trade shall provide the State with a statement of financial redress at the time of submitting its bid. Contains provisions creating a Redress Fund. Amends the State Finance Act to make conforming changes.

LRB103 43167 HLH 76429 b

1 AN ACT concerning State government.

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 Enslavement Era Disclosure and Redress Act.

6 Section 5. Definitions. In this Act:

7 "Administrator" means the individual appointed by the  
8 Office to oversee, implement, and enforce the provisions of  
9 this Act.

10 "Awarding authority" means a subordinate or component  
11 entity or person of the State that has the authority to enter  
12 into a contract or agreement for the provision of goods or  
13 services on behalf of the State.

14 "Company" means any person, firm, corporation,  
15 partnership, other business entity.

16 "Contract" means any agreement, franchise, lease, or  
17 concession, including an agreement for any occasional  
18 professional or technical personal services, the performance  
19 of any work or service, the provision of any materials or  
20 supplies, or the rendering of any service to the State of  
21 Illinois or the public that is let, awarded, or entered into  
22 with or on behalf of the State or any awarding authority.

23 "Contractor" means any company that has submitted a bid or

1 is in the process of submitting a bid, whether competitive or  
2 not, to contract with the State or any awarding authority of  
3 the State.

4 "Descendant" means any living individual who can trace the  
5 individual's lineage or ancestry directly or indirectly to an  
6 enslaved person or persons. "Descendant" includes, but is not  
7 limited to, children, grandchildren, great-grandchildren, and  
8 subsequent generations, whether through biological or adoptive  
9 relationships, as well as individuals with verifiable  
10 genealogical evidence or documentation that establishes a  
11 familial connection to an enslaved person. The term  
12 "descendant" is intended to encompass a broad range of  
13 familial connections, recognizing the historical and societal  
14 impacts of the institution of slavery on the affected  
15 individuals and their families.

16 "Eligible redress project" means any reparatory project or  
17 program identified by the relevant stakeholders for  
18 reparations in tandem with the Illinois Legislative Black  
19 Caucus.

20 "Enslaved person" means any person who lived in the United  
21 States or the territories that preceded the establishment of  
22 the United States that became part of the United States:

- 23 (1) who was subject to the will of another;  
24 (2) who was deemed by law to be the property of  
25 another;  
26 (3) whose person and services were wholly under the

1 control of another in a state of enforced compulsory  
2 service; and

3 (4) who could not legally leave enforced compulsory  
4 service to another on such person's own volition at any  
5 time during the person's lifetime and during the  
6 Enslavement Era.

7 "Enslavement Era" means the historical period during which  
8 the institution of slavery was legally recognized, practiced,  
9 and enforced in the United States, spanning from the early  
10 17th Century until the ratification of the 13th Amendment to  
11 the United States Constitution in 1865.

12 "Investment" means to make use of an enslaved person for  
13 future benefits or advantages.

14 "Office" means the Illinois Office of Equity.

15 "Participant" means a person or entity who participated in  
16 slaveholding or participated in the slave trade.

17 "Participation in slaveholding" means having been a  
18 slaveholder during the Enslavement Era.

19 "Participation in the slave trade" means having:

20 (1) issued slavery insurance policies, including, but  
21 not limited to, policies issued to slaveholders for damage  
22 to or death of enslaved persons and policies issued to  
23 insure business transactions and operations related to the  
24 traffic in enslaved persons;

25 (2) purchased, sold, or held enslaved persons for the  
26 purposes of transferring them;

1           (3) provided loans to others to facilitate the  
2 purchase, sale, transport, or enslavement of enslaved  
3 persons;

4           (4) used enslaved persons as collateral for insurance  
5 policies, loans, or other transactions;

6           (5) facilitated the traffic in enslaved persons by  
7 transporting such persons by boat or rail; or

8           (6) provided any other services to aid and abet the  
9 traffic in enslaved persons.

10          "Predecessor entity" means an entity whose ownership,  
11 title, and interest, including all rights, benefits, duties,  
12 and liabilities were acquired in an uninterrupted chain of  
13 succession by the entity.

14          "Profit" means any economic advantage or financial benefit  
15 derived from the use of enslaved persons.

16          "Related party" means any parent entity, subsidiary, or  
17 predecessor entity of the contractor or company.

18          "Slaveholder" means an individual holder of an enslaved  
19 person or an owner of a company that held enslaved persons for  
20 the purpose of labor, purchase, sale, or financing.

21          "Slavery era insurance" means slavery insurance policies,  
22 including, but not limited to, policies issued to participants  
23 for damage to or death of enslaved persons and policies issued  
24 to insure business transactions and operations related to the  
25 traffic in enslaved persons; evidence of the purchase and sale  
26 of enslaved persons; provision of loans to purchase enslaved

1 persons; or the use of enslaved persons as collateral for  
2 insurance policies, loans, or other transactions.

3 "Slave trade" means: (1) all acts involved in the capture,  
4 acquisition, or disposal of a person with the intent to reduce  
5 that person to slavery; (2) all acts involved in the  
6 acquisition of an enslaved person with a view to selling or  
7 exchanging that enslaved person; and (3) all acts of disposal  
8 by sale or exchange of an enslaved person, including acts  
9 involved in the facilitation of these exchanges through the  
10 provision of financial vehicles or insurance.

11 Section 10. Purpose.

12 (a) Numerous American businesses across various  
13 industries, including insurance, banking, tobacco, cotton,  
14 sugar, railroads, and shipping, reaped substantial profits by  
15 exploiting the uncompensated labor of enslaved persons.  
16 Consequently, these businesses and the individuals managing  
17 them directly profited from the labor of enslaved persons and  
18 directly benefited from insurance policies that insured  
19 enslaved persons. This intertwining of economic interests  
20 highlights the extent to which the exploitation of enslaved  
21 persons permeated the foundation of various American  
22 industries. However, very few American industries and the  
23 underlying businesses and individuals have adequately  
24 acknowledged their connection to the enslavement era.

25 (b) The citizens of Illinois, including descendants of

1 enslaved persons, are entitled to complete transparency  
2 regarding any involvement or profits acquired through slavery  
3 by companies seeking to conduct business in the State. This  
4 disclosure is essential to ensure that the community is  
5 informed about the historical connections and practices of the  
6 companies operating within its jurisdiction, fostering a  
7 culture of accountability and responsible business practices.

8 (c) This Act is a call to the companies that participated  
9 in slaveholding and the slave trade to acknowledge and address  
10 the enduring impacts of the Enslavement Era on our society,  
11 and to promote responsible corporate citizenship. It is  
12 essential for companies to recognize their historical  
13 connections to the Enslavement Era and take responsibility for  
14 any past actions that have contributed to the perpetuation of  
15 inequities. By actively engaging in redress efforts,  
16 corporations demonstrate their commitment to fostering a more  
17 just and equitable society. Remedying the harms resulting from  
18 the crimes and atrocities of the Enslavement Era is not only a  
19 moral imperative and an international standard but also a  
20 crucial step toward ensuring a cohesive and inclusive  
21 community. This Act serves to facilitate corporate  
22 transparency and accountability and to encourage the  
23 implementation of concrete measures aimed at alleviating the  
24 long-lasting adverse effects of the slave trade on descendants  
25 of enslaved persons.

26 (d) The purpose of this Act is to:

1           (1) promote the investigation of any participation in  
2 slaveholding, the slave trade, or both by companies or  
3 contractors that do business with the State;

4           (2) establish a system that (i) makes publicly  
5 available full and accurate disclosure of company or  
6 contractor records related to the participation in  
7 slaveholding, the slave trade, or both, (ii) provides the  
8 opportunity for public notice and comment before the State  
9 contracts with companies or contractors that participated  
10 in slaveholding or the slave trade, and (iii) requires  
11 disclosure, to the extent applicable, of any records  
12 indicating:

13                   (A) whether the company or contractor was a party  
14 to any insurance policy related to slaveholding;

15                   (B) evidence of the purchase, sale, or lease of  
16 enslaved persons by the company or contractor;

17                   (C) evidence of the use by the company or  
18 contractor of enslaved persons as collateral for  
19 insurance policies, loans, or other transactions;

20                   (D) evidence of the provision, or receipt, of  
21 loans by the company or contractor to purchase  
22 enslaved persons;

23                   (E) evidence of insuring transactions for enslaved  
24 persons; and

25                   (F) any other company or contractor records  
26 evidencing participation in slaveholding or



1 participation in the slave trade;

2 (3) encourage corporate transparency and  
3 accountability through the establishment of a process  
4 pursuant to which the Office shall develop and fund  
5 eligible redress projects to assist in redress efforts;  
6 and

7 (4) establish a governance structure to monitor and  
8 enforce the provisions of this Act.

9 Section 15. Findings.

10 (a) Insurance policies from the Enslavement Era, which  
11 have been discovered in the archives of several insurance  
12 companies, document insurance coverage to slaveholders for  
13 damage to or death of enslaved persons. In some cases,  
14 existing insurance firms or their predecessor firms issued  
15 these policies.

16 (b) Records may exist that show that various companies,  
17 either directly or through their parent entities, subsidiaries  
18 or predecessors in interest or otherwise, bought or sold  
19 enslaved persons, used enslaved persons as collateral for  
20 insurance policies or other transactions, provided loans to  
21 purchase enslaved persons, insured those transactions, and  
22 provided related or other services to aid and abet those  
23 transactions.

24 (c) These insurance policies, loan documents, and other  
25 documents and records provide evidence of ill-gotten profits

1 from slavery. Slaveholders and those involved in the slave  
2 trade, in turn, profited from the uncompensated labor of  
3 enslaved persons, even if those profits have long since been  
4 redistributed to shareholders. Industries that profited in  
5 this manner include, but are not limited to, capitalized  
6 insurers, financial service providers, textile companies,  
7 tobacco companies, railroad companies, shipping companies, the  
8 rice industry, the sugar industry, and entities in other  
9 industries whose successors in interest remain in existence  
10 today.

11 (d) The General Assembly finds and declares that the fact  
12 that slavery was legal in certain parts of the United States at  
13 the time that it occurred does not make the practice any less  
14 repugnant, abhorrent, or deplorable, nor does it in any way  
15 diminish the gravity of these wrongs or the importance of  
16 rectifying and remediating these tragedies.

17 (e) Many Illinois residents are descendants of enslaved  
18 persons and their ancestors were defined as property,  
19 dehumanized, separated from their families, coerced into  
20 performing labor without appropriate compensation or benefits,  
21 and were assaulted and abused. Enslaved persons were treated  
22 as chattel in every sense of the word, including being used as  
23 collateral for insurance policies, loans, and other  
24 transactions, and, in some instances, their ancestors' owners  
25 were compensated for damages by insurers.

26 (f) Appropriate compensation to enslaved persons for their

1 labor otherwise would have been bequeathed to their  
2 descendants. As a result, companies and individuals who  
3 profited from the labor of enslaved persons were unjustly  
4 enriched.

5 (g) Residents of Illinois are entitled to the full  
6 disclosure of any and all information regarding the  
7 above-described transactions, and respect and recognition of  
8 the dignity of the enslaved persons and their descendants  
9 requires it.

10 (h) The General Assembly formally acknowledges the loss of  
11 assets that rightfully should be the property of descendants  
12 in the United States and extends its apologies to descendants  
13 who continue to suffer the legacy of slavery.

14 (i) The General Assembly finds that full disclosure of the  
15 facts and acknowledgment of the depth and scope of the  
16 participation in slaveholding and the slave trade and public  
17 hearings with respect thereto furthers the public interest by  
18 recognizing the dignity of enslaved persons and descendants  
19 and promotes healing in the State for enslaved persons,  
20 descendants, and those who participated in slaveholding or the  
21 slave trade.

22 (j) The General Assembly finds that public disclosure and  
23 public hearings based on those disclosures will promote  
24 knowledge of the nature and scope of the slaveholding and  
25 slave trading activities in Illinois and thereby will promote  
26 healing.

1           (k) The State of Illinois finds that the establishment of  
2 a fund, to which companies and contractors subject to this Act  
3 shall make monetary contributions, will promote healing and  
4 assist the State of Illinois in rectifying and remedying some  
5 of the shameful legacies of slaveholding and the slave trade,  
6 thereby protecting and promoting the dignity and welfare of  
7 Illinois residents and the Illinois community.

8           Section 17. Powers of the Administrator. The Administrator  
9 has the authority to take all actions necessary to implement  
10 and enforce this Act, subject to the direction and oversight  
11 of the Office.

12           Section 20. Compliance.

13           (a) Each contractor that participates in a competitive bid  
14 with the State of Illinois shall complete an affidavit  
15 certifying that, to the knowledge of the contractor, the  
16 contractor has reviewed any and all records that are in its  
17 possession or control or which, following due inquiry, are  
18 publicly available, including records of any related party,  
19 for evidence of the contractor's or related party's  
20 participation in the slaveholding or participation in the  
21 slave trade. If the contractor or any related party to the  
22 contractor has participated in slaveholding or participated in  
23 the slave trade, the affidavit shall, to the extent known to  
24 contractor, further disclose the names and ages of each

1 enslaved person and slaveholder described in the records or  
2 information, as well as the evidence of transactions whereby  
3 the contractor, its parent entities, subsidiaries, or  
4 predecessors entities benefited or profited from participation  
5 in slaveholding or participation in the slave trade.

6 Beginning 30 days after the effective date of this Act,  
7 all contractors that participate in a competitive bid with the  
8 State of Illinois shall submit a completed affidavit to the  
9 Office by no later than 30 days prior to the submission of the  
10 bid to contract with the State. If additional time is needed  
11 for investigation or review, the contractor shall submit a  
12 request for extension to the Office no later than 30 days prior  
13 to submission of a bid. The request for extension shall  
14 provide an overview of the scope and nature of the  
15 investigation or review and an explanation of why additional  
16 time is needed to complete the disclosure. The contractor  
17 shall provide updates regarding completion of the affidavit to  
18 the Office every 30 days as necessary. Notwithstanding the  
19 foregoing, the contractor shall submit a completed affidavit  
20 no later than 90 days after the contractor's submission of a  
21 bid.

22 (b) All records disclosed in each contractor's affidavit  
23 shall be reviewed by the Administrator to determine whether  
24 the contractor or any related party to the contractor  
25 participated in slaveholding or the slave trade.

26 (c) The Administrator, after consultation with the Office,

1 shall publish, within 90 days after submission of the  
2 affidavit, a public report based on the disclosures in the  
3 affidavit of each contractor that is found to have  
4 participated in slaveholding or the slave trade. The report  
5 shall summarize the nature of the contractor's or related  
6 party's participation in slaveholding and the slave trade,  
7 including all relevant information and records disclosed in  
8 each contractor's affidavit.

9 (d) The Administrator, after consultation with the Office,  
10 shall hold a public hearing to discuss the report within 45  
11 days of its delivery to the Governor and General Assembly. The  
12 Administrator shall make the report publicly available no  
13 later than 10 business days before the scheduled date of the  
14 public hearing. A representative for the contractor shall  
15 attend the public hearing and answer any and all questions  
16 from Illinois officials and members of the public. The public  
17 hearing shall be held in an accessible public facility,  
18 accommodate virtual participation, and be recorded and  
19 published publicly.

20 (e) The Administrator shall provide notice of the public  
21 hearing to the public no later than 7 business date before the  
22 schedule date of the public hearing and provide notice of the  
23 public hearing to a representative of the contractor, for  
24 which the report to be discussed at the public hearing  
25 pertains to, no later than 10 business days before the  
26 scheduled state of the public hearing.

1 (f) Following the public hearing, the Administrator shall  
2 provide annual reports regarding further findings or  
3 disclosures on the part of any company or contractor found to  
4 have participated in slaveholding and the slave trade, if any.

5 (g) Hard copies of the initial and each annual report  
6 shall be maintained at all University of Illinois Campus  
7 libraries and shall be made available for public inspection  
8 upon request.

9 (h) A link to a webpage titled "Enslavement Disclosure and  
10 Redress" shall be placed on the State of Illinois Internet  
11 homepage. This Act, and all information pertaining to this  
12 Act, including names of all contractors who participated in  
13 slaveholding and the slave trade, affidavits, reports, public  
14 hearings, contracts, and redress actions, shall be publicly  
15 accessible through that link.

16 Section 25. Redress Fund; eligible redress projects.

17 (a) The Redress Fund is hereby established as a special  
18 fund in the State treasury. Moneys in the Fund shall be used by  
19 the Administrator for the purposes described in this Section.  
20 Moneys in the Fund shall be used for purposes including, but  
21 not limited to, providing educational support and support for  
22 economic development in the economically depressed areas of  
23 Illinois subjected to Jim Crow (apartheid) federal and State  
24 actions, such as redlining, or where a significant proportion  
25 of private property was seized or otherwise directly impacted

1 in relation to projects conducted under the auspices of United  
2 States Department of Housing and Urban Development grants for  
3 urban renewal programs.

4 (b) The Administrator, after consultation with the Office,  
5 shall prepare guidelines for the use of moneys in the Fund and  
6 present those guidelines to the Illinois Legislative Black  
7 Caucus for approval no later than April 30, 2025. Thereafter,  
8 the Administrator shall make funding decisions in accordance  
9 with the guidelines and provide an annual report to the Office  
10 identifying the recipients of funds and the amount of funds  
11 contributed to each recipient.

12 (c) Each contractor who has disclosed participation in  
13 slaveholding or the slave trade shall provide the State of  
14 Illinois with a statement of financial redress at the time of  
15 submitting its bid. The statement of redress shall include a  
16 description of any amounts committed to the Redress Fund to  
17 date or programs developed or funded, or to be developed or  
18 funded, by the contractor.

19 (d) The contractor shall provide its financial  
20 contributions to the Redress Fund within 30 days after the  
21 effective date of its contract.

22 (e) The Administrator, after consultation with the Office  
23 and the State Treasurer, shall monitor all contractors that  
24 are subject to this Act in submitting their statements of  
25 redress. The Administrator, after consultation with the Office  
26 and the State Treasurer, shall prepare a report on



1 contributions to and expenditures from the Redress Fund and  
2 each project funded by this Act, including the name of each  
3 project, the cost of each project, the goal of each project,  
4 and the authorized redress entities carrying out each project.  
5 The report shall be submitted to the Governor, the General  
6 Assembly, and the public as required under this Act.

7 Section 30. Administration. The Administrator, after  
8 consultation with the Office, shall:

9 (1) adopt rules to implement this Act within 60 days  
10 after the effective date of this Act;

11 (2) develop a form disclosure statement and affidavit  
12 within 60 days after the effective date of this Act;

13 (3) adopt rules that specify the form and content of  
14 the report required in instances where a company or  
15 contractor has participated in slaveholding or the slave  
16 trade;

17 (4) administer the requirements of this Act and  
18 monitor compliance through the Administrator, including  
19 investigation of alleged violations;

20 (5) publish and make open for public review annual  
21 reports detailing the compliance and noncompliance of  
22 relevant companies or contractors; and

23 (6) hold at least one public hearing each year to  
24 discuss implementation efforts, annual reports, materials  
25 generated by compliance with this Act, and other relevant

1 matters.

2 Section 35. Enforcement.

3 (a) Failure to comply with the requirements of this Act  
4 shall result in the following sanctions:

5 (1) Any contractor who fails to submit the required  
6 affidavit within the specified timeframe shall be debarred  
7 from participation in the then current bid with the State  
8 of Illinois.

9 (2) Any contractor who willfully or negligently  
10 submits a false affidavit or other statement, or neglects  
11 to submit the required disclosure, shall be debarred from  
12 participation in the then current bid with the State of  
13 Illinois.

14 (3) The State of Illinois reserves the right to debar  
15 the contractor from participation in the then current bid  
16 by providing notice of termination to any contractor after  
17 discovering the deficiency in the contractor's disclosure.  
18 Notwithstanding the foregoing, a contractor may cure any  
19 false or materially false statement, or misstatement by  
20 submitting an amended disclosure within 30 days of receipt  
21 of the notice of debarment of the contractor. Failure to  
22 cure any false or materially false statements within the  
23 specified timeframe shall result in the contractor's  
24 debarment from participating in the current bid with the  
25 State of Illinois and termination of the contractor's

1 contract with the State of Illinois no later than 60 days  
2 after such failure to cure.

3 (4) Any contractor who fails to contribute to the  
4 Redress Fund within the specified timeframe shall be  
5 subject to automatic termination of its contract with the  
6 State of Illinois, provided that the contractor receives  
7 notice from the State of Illinois of termination after  
8 discovering the contractor's failure to contribute to the  
9 Redress Fund. Notwithstanding the foregoing, a contractor  
10 may cure such failure to contribute by making the  
11 committed contribution to the Redress Fund within 30 days  
12 of receipt of the notice of termination of the contract.

13 (5) The following parties may bring an action under  
14 this Act against a company or contractor subject to this  
15 Act to enforce its provisions:

16 (A) the Office; and

17 (B) any Illinois resident.

18 (b) Relief under this Act shall include, but not be  
19 limited to, an injunction to mandate the necessary disclosure  
20 required under this Act or to correct any misstatement, as  
21 well as reasonable attorney's fees and costs. All or a portion  
22 of any damages awarded shall be payable to the Redress Fund.

23 Section 97. Severability. The provisions of this Act are  
24 severable under Section 1.31 of the Statute on Statutes.

1 Section 900. The Illinois Administrative Procedure Act is  
2 amended by adding Section 5-45.62 as follows:

3 (5 ILCS 100/5-45.62 new)

4 Sec. 5-45.62. Emergency rulemaking; Enslavement Era  
5 Disclosure and Redress Act. To provide for the expeditious and  
6 timely implementation of the Enslavement Era Disclosure and  
7 Redress Act, emergency rules implementing the Enslavement Era  
8 Disclosure and Redress Act may be adopted in accordance with  
9 Section 5-45 by the Illinois Office of Equity. The adoption of  
10 emergency rules authorized by Section 5-45 and this Section is  
11 deemed to be necessary for the public interest, safety, and  
12 welfare.

13 This Section is repealed one year after the effective date  
14 of this amendatory Act of the 103rd General Assembly.

15 Section 905. The State Finance Act is amended by adding  
16 Section 5.1015 as follows:

17 (30 ILCS 105/5.1015 new)

18 Sec. 5.1015. The Redress Fund.