

103D CONGRESS
1ST SESSION

S. 603

To provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 3), 1993

Mr. D'AMATO introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Ireland Fair
5 Employment Practices Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Overall unemployment in Northern Ireland
9 exceeds 14 percent.

1 (2) Unemployment in some neighborhoods of
2 Northern Ireland comprised of religious minorities
3 has exceeded 70 percent.

4 (3) The British Government Fair Employment
5 Commission (F.E.C.), formerly the Fair Employ-
6 ment Agency (F.E.A.), has consistently reported
7 that a member of the minority community is two
8 and one-half times more likely to be unemployed
9 than a member of the majority community.

10 (4) The Industrial Development Organization
11 for Northern Ireland lists twenty-five firms in
12 Northern Ireland which are controlled by United
13 States persons.

14 (5) The Investor Responsibility Research Cen-
15 ter (IRRC), Washington, District of Columbia, lists
16 forty-nine publicly held and nine privately held Unit-
17 ed States companies doing business in Northern Ire-
18 land.

19 (6) The religious minority population of North-
20 ern Ireland is frequently subject to discriminatory
21 hiring practices by United States businesses which
22 have resulted in a disproportionate number of mi-
23 nority individuals holding menial and low-paying
24 jobs.

1 (7) The MacBride Principles are a nine point
2 set of guidelines for fair employment in Northern
3 Ireland which establishes a corporate code of con-
4 duct to promote equal access to regional employment
5 but does not require disinvestment, quotas, or re-
6 verse discrimination.

7 **SEC. 3. RESTRICTION ON IMPORTS.**

8 An article from Northern Ireland may not be entered,
9 or withdrawn from warehouse for consumption, in the cus-
10 toms territory of the United States unless there is pre-
11 sented at the time of entry to the customs officer con-
12 cerned documentation indicating that the enterprise which
13 manufactured or assembled such article was in compliance
14 at the time of manufacture with the principles described
15 in section 5.

16 **SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRIN-**
17 **CIPLES.**

18 (a) COMPLIANCE.—Any United States person who—

19 (1) has a branch or office in Northern Ireland,
20 or

21 (2) controls a corporation, partnership, or other
22 enterprise in Northern Ireland,

23 in which more than twenty people are employed shall take
24 the necessary steps to insure that, in operating such
25 branch, office, corporation, partnership, or enterprise,

1 those principles relating to employment practices set forth
2 in section 5 are implemented and this Act is complied
3 with.

4 (b) REPORT.—Each United States person referred to
5 in subsection (a) shall submit to the Secretary—

6 (1) a detailed and fully documented annual re-
7 port, signed under oath, on showing compliance with
8 the provisions of this Act; and

9 (2) such other information as the Secretary de-
10 termines is necessary.

11 **SEC. 5. MACBRIDE PRINCIPLES.**

12 The principles referred to in section 4, which are
13 based on the MacBride Principles, are as follows:

14 (1) Eliminating religious discrimination in man-
15 agerial, supervisory, administrative, clerical, and
16 technical jobs and significantly increasing the rep-
17 resentation in such jobs of individuals from
18 underrepresented religious groups.

19 (2) Providing adequate security for the protec-
20 tion of minority employees at the workplace.

21 (3) Banning provocative sectarian and political
22 emblems from the workplace.

23 (4) Advertising publicly all job openings and
24 undertaking special recruitment efforts to attract
25 applicants from underrepresented religious groups.

1 (5) Establishing layoff, recall, and termination
2 procedures which do not favor particular religious
3 groupings.

4 (6) Providing equal employment for all employ-
5 ees, including implementing equal and nondiscrim-
6 inatory terms and conditions of employment for all
7 employees, and abolishing job reservations, appren-
8 ticeship restrictions, and differential employment cri-
9 teria, which discriminate on the basis of religion or
10 ethnic origin.

11 (7) Developing training programs that will pre-
12 pare substantial numbers of minority employees for
13 managerial, supervisory, administrative, clerical, and
14 technical jobs, including—

15 (A) expanding existing programs and form-
16 ing new programs to train, upgrade, and im-
17 prove the skills of all categories of minority em-
18 ployees;

19 (B) creating on-the-job training programs
20 and facilities to assist minority employees to ad-
21 vance to higher paying jobs requiring greater
22 skills; and

23 (C) establishing and expanding programs
24 to enable minority employees to further their

1 education and skills at recognized education fa-
2 cilities.

3 (8) Establishing procedures to assess, identify,
4 and actively recruit minority individuals with poten-
5 tial for further advancement, and identifying those
6 minority individuals who have high management po-
7 tential and enrolling them in accelerated manage-
8 ment programs.

9 (9) Appointing a senior management staff
10 member to oversee the United States person's com-
11 pliance with the principles described in this section.

12 **SEC. 6. WAIVER OF PROVISIONS.**

13 (a) WAIVER OF PROVISIONS.—In any case in which
14 the President determines that compliance by a United
15 States person with the provisions of this Act would harm
16 the national security of the United States, the President
17 may waive those provisions with respect to that United
18 States person. The President shall publish in the Federal
19 register each waiver granted under this section and shall
20 submit to the Congress a justification for granting each
21 such waiver. Any such waiver shall become effective at the
22 end of ninety days after the date on which the justification
23 is submitted to the Congress unless the Congress, within
24 that ninety-day period, adopts a joint resolution dis-
25 approving the waiver. In the computation of such ninety-

1 day period, there shall be excluded the days on which ei-
2 ther House of Congress is not in session because of an
3 adjournment of more than three days to a day certain or
4 because of an adjournment of the Congress sine die.

5 (b) CONSIDERATION OF RESOLUTIONS.—

6 (1) Any resolution described in subsection (a)
7 shall be considered in the Senate in accordance with
8 the provisions of section 601(b) of the International
9 Security Assistance and Arms Export Control Act of
10 1976.

11 (2) For the purpose of expediting the consider-
12 ation and adoption of a resolution under subsection
13 (a) in the House of Representatives, a motion to
14 proceed to the consideration of such resolution after
15 it has been reported by the appropriate committee
16 shall be treated as highly privileged in the House of
17 Representatives.

18 **SEC. 7. DEFINITIONS AND PRESUMPTIONS.**

19 (a) DEFINITIONS.—For the purpose of this Act—

20 (1) the term “United States person” means any
21 United States resident or national and any domestic
22 concern (including any permanent domestic estab-
23 lishment of any foreign concern);

24 (2) the term “Secretary” means the Secretary
25 of Commerce; and

1 (3) the term “Northern Ireland” includes the
2 counties of Antrim, Armagh, Londonderry, Down,
3 Tyrone, and Fermanagh.

4 (b) PRESUMPTION.—A United States person shall be
5 presumed to control a corporation, partnership, or other
6 enterprise in Northern Ireland if—

7 (1) the United States person beneficially owns
8 or controls (whether directly or indirectly) more than
9 50 percent of the outstanding voting securities of
10 the corporation, partnership, or enterprise;

11 (2) the United States person beneficially owns
12 or controls (whether directly or indirectly) 25 per-
13 cent or more of the voting securities of the corpora-
14 tion, partnership, or enterprise, if no other person
15 owns or controls (whether directly or indirectly) an
16 equal or larger percentage;

17 (3) the corporation, partnership, or enterprise
18 is operated by the United States person pursuant to
19 the provisions of an exclusive management contract;

20 (4) a majority of the members of the board of
21 directors of the corporation, partnership, or enter-
22 prise are also members of the comparable governing
23 body of the United States person;

24 (5) the United States person has authority to
25 appoint the majority of the members of the board of

1 directors of the corporation, partnership, or enter-
2 prise; or

3 (6) the United States person has authority to
4 appoint the chief operating officer of the corpora-
5 tion, partnership, or enterprise.

6 **SEC. 8. EFFECTIVE DATE.**

7 This Act shall take effect six months after the date
8 of enactment of this Act.

○