

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 603

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

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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

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## 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.

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