

105TH CONGRESS
1ST SESSION

S. 184

To provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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 of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

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 and Principles of Economic Justice
6 Act of 1997”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) Currently, overall unemployment in North-
2 ern Ireland is approximately 13 percent, as com-
3 pared to 9 percent in the rest of the United King-
4 dom.

5 (2) Unemployment in the minority community
6 in Northern Ireland is 16 percent (22 percent for
7 males and 8 percent for females), and in some por-
8 tions of the minority community unemployment has
9 historically exceeded 70 percent.

10 (3) The British Government Fair Employment
11 Commission (F.E.C.), formerly the Fair Employ-
12 ment Agency (F.E.A.), has consistently reported
13 that a member of the minority community is two
14 times more likely to be unemployed than a member
15 of the majority community.

16 (4) The Investor Responsibility Research Cen-
17 ter (IRRC), Washington, District of Columbia, lists
18 more than 90 United States companies doing busi-
19 ness in Northern Ireland, which employ approxi-
20 mately 11,000 individuals.

21 (5) The religious minority population of North-
22 ern Ireland is subject to discriminatory hiring prac-
23 tices by some United States businesses.

24 (6) The MacBride Principles are a nine point
25 set of guidelines for fair employment in Northern

1 Ireland which establishes a corporate code of con-
 2 duct to promote equal access to regional employment
 3 but does not require disinvestment, quotas, or re-
 4 verse discrimination.

5 **SEC. 3. RESTRICTION ON IMPORTS.**

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 7 or withdrawn from warehouse for consumption, in the cus-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

14 **SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRIN-**
 15 **CIPLES.**

16 (a) COMPLIANCE.—Any United States person who—
 17 (1) has a branch or office in Northern Ireland,
 18 or
 19 (2) controls a corporation, partnership, or other
 20 enterprise in Northern Ireland,
 21 in which more than ten people are employed shall take
 22 the necessary steps to ensure that, in operating such
 23 branch, office, corporation, partnership, or enterprise,
 24 those principles relating to employment practices set forth

1 in section 5 are implemented and this Act is complied
2 with.

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

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

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

10 **SEC. 5. MAC BRIDE PRINCIPLES OF ECONOMIC JUSTICE.**

11 The principles referred to in section 4 are the
12 MacBride Principles of Economic Justice, which are as
13 follows:

14 (1) Increasing the representation of individuals
15 from underrepresented religious groups in the
16 workforce, including managerial, supervisory, admin-
17 istrative, clerical, and technical jobs.

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

20 (3) Banning provocative sectarian or political
21 emblems from the workplace.

22 (4) Providing that all job openings be adver-
23 tised publicly and providing that special recruitment
24 efforts be made to attract applicants from underrep-
25 resented religious groups.

1 (5) Providing that layoff, recall, and termi-
2 nation procedures do not favor a particular religious
3 group.

4 (6) Abolishing job reservations, apprenticeship
5 restrictions, and differential employment criteria
6 which discriminate on the basis of religion.

7 (7) Providing for the development of training
8 programs that will prepare substantial numbers of
9 minority employees for skilled jobs, including the ex-
10 pansion of existing programs and the creation of
11 new programs to train, upgrade, and improve the
12 skills of minority employees.

13 (8) Establishing procedures to assess, identify,
14 and actively recruit minority employees with the po-
15 tential for further advancement.

16 (9) Providing for the appointment of a senior
17 management staff member to be responsible for the
18 employment efforts of the entity and, within a rea-
19 sonable period of time, the implementation of the
20 principles described in paragraphs (1) through (8).

21 **SEC. 6. PROHIBITION.**

22 Nothing in this Act shall require quotas or reverse
23 discrimination or mandate their use.

1 **SEC. 7. WAIVER OF PROVISIONS.**

2 (a) WAIVER OF PROVISIONS.—In any case in which
3 the President determines that compliance by a United
4 States person with the provisions of this Act would harm
5 the national security of the United States, the President
6 may waive those provisions with respect to that United
7 States person. The President shall publish in the Federal
8 Register each waiver granted under this section and shall
9 submit to the Congress a justification for granting each
10 such waiver. Any such waiver shall become effective at the
11 end of ninety days after the date on which the justification
12 is submitted to the Congress unless the Congress, within
13 that ninety-day period, adopts a joint resolution dis-
14 approving the waiver. In the computation of such ninety-
15 day period, there shall be excluded the days on which ei-
16 ther House of Congress is not in session because of an
17 adjournment of more than three days to a day certain or
18 because of an adjournment of the Congress sine die.

19 (b) CONSIDERATION OF RESOLUTIONS.—

20 (1) Any resolution described in subsection (a)
21 shall be considered in the Senate in accordance with
22 the provisions of section 601(b) of the International
23 Security Assistance and Arms Export Control Act of
24 1976.

25 (2) For the purpose of expediting the consider-
26 ation and adoption of a resolution under subsection

1 (a) in the House of Representatives, a motion to
2 proceed to the consideration of such resolution after
3 it has been reported by the appropriate committee
4 shall be treated as highly privileged in the House of
5 Representatives.

6 **SEC. 8. DEFINITIONS AND PRESUMPTIONS.**

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

8 (1) the term “United States person” means any
9 United States resident or national and any domestic
10 concern (including any permanent domestic estab-
11 lishment of any foreign concern);

12 (2) the term “Secretary” means the Secretary
13 of Commerce; and

14 (3) the term “Northern Ireland” includes the
15 counties of Antrim, Armagh, Derry, Down, Tyrone,
16 and Fermanagh.

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

20 (1) the United States person beneficially owns
21 or controls (whether directly or indirectly) more than
22 50 percent of the outstanding voting securities of
23 the corporation, partnership, or enterprise;

1 (2) the United States person beneficially owns
2 or controls (whether directly or indirectly) 25 per-
3 cent or more of the voting securities of the corpora-
4 tion, partnership, or enterprise, if no other person
5 owns or controls (whether directly or indirectly) an
6 equal or larger percentage;

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

10 (4) a majority of the members of the board of
11 directors of the corporation, partnerships, or enter-
12 prise are also members of the comparable governing
13 body of the United States person;

14 (5) the United States person has authority to
15 appoint the majority of the members of the board of
16 directors of the corporation, partnership, or enter-
17 prise; or

18 (6) the United States person has authority to
19 appoint the chief operating officer of the corpora-
20 tion, partnership, or enterprise.

21 **SEC. 9. EFFECTIVE DATE.**

22 This Act shall take effect 180 days after the date of
23 enactment of this Act.

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