

100TH CONGRESS
1ST SESSION

H. R. 722

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1987

Mr. FISH (for himself, Mr. BIAGGI, Mrs. BENTLEY, Mr. BOLAND, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. DEWINE, Mr. DIOGUARDI, Mr. DOWNEY of New York, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FRANK, Mr. GARCIA, Mr. JACOBS, Mr. KANJORSKI, Mr. LENT, Mr. THOMAS A. LUKE, Mr. MANTON, Mr. MCKINNEY, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NOWAK, Mrs. SCHROEDER, Mr. STRATTON, Mr. TOWNS, and Mr. TRAXLER) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Ways and Means, and Rules

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:

1 (1) Overall unemployment in Northern Ireland ex-
2 ceeds 20 percent.

3 (2) Unemployment in some neighborhoods of
4 Northern Ireland comprised of religious minorities has
5 exceeded 50 percent.

6 (3) Since 1976, 27 percent of Northern Ireland's
7 industrial jobs have disappeared.

8 (4) Economic conditions in Northern Ireland have
9 contributed to the emigration in recent years of more
10 than 7,000 people each year.

11 (5) The Industrial Development Organization for
12 Northern Ireland lists 25 firms in Northern Ireland
13 which are controlled by United States persons.

14 (6) Many of these firms have become de facto
15 partners in discriminating against religious minorities in
16 employment practices and conditions.

17 (7) A comprehensive study of the discriminatory
18 practices of United States businesses in Northern Ire-
19 land by the Reverend Brian Brady, the former head of
20 the religion department at Saint Joseph's College in
21 Belfast, noted that in the average manufacturing com-
22 pany controlled by a United States person in Northern
23 Ireland, 18.8 percent of the employees are Catholic
24 and 73.2 percent are Protestant, a work force ratio
25 that is disproportionate to the number of Catholics and

1 Protestants in the general population of Northern Ire-
2 land, which is 38 percent Catholic and 62 percent
3 Protestant.

4 (8) The religious minority population of Northern
5 Ireland is frequently subject to discriminatory hiring
6 practices by United States businesses which have re-
7 sulted in a disproportionate number of minority individ-
8 uals holding menial and low-paying jobs and alarmingly
9 high layoffs of minority employees in times of
10 recession.

11 (9) The MacBride Principles are a nine point set
12 of guidelines for fair employment in Northern Ireland
13 which establishes a corporate code of conduct to pro-
14 mote equal access to regional employment but does not
15 require disinvestment or demand quotas on imports.

16 **SEC. 3. RESTRICTION ON IMPORTS.**

17 An article from Northern Ireland may not be entered, or
18 withdrawn from warehouse for consumption, in the customs
19 territory of the United States unless there is presented at the
20 time of entry to the customs officer concerned documentation
21 indicating that the enterprise which manufactured or assem-
22 bled such article was in compliance at the time of manufac-
23 ture with the principles described in section 5.

24 **SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.**

25 (a) **COMPLIANCE.**—Any United States person who—

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

2 (2) controls a corporation, partnership, or other

3 enterprise in Northern Ireland,

4 in which more than 20 people are employed shall take the

5 necessary steps to insure that, in operating such branch,

6 office, corporation, partnership, or enterprise, those principles

7 relating to employment practices set forth in section 5 are

X 8 implemented and the Fair Employment Act of Northern Ire-

9 land is complied with. X

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

12 (1) a detailed and fully documented annual report,
13 signed under oath, on showing compliance with the
14 provisions of this Act; and

15 (2) such other information as the Secretary deter-
16 mines is necessary.

17 SEC. 5. MACBRIDE PRINCIPLES.

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

20 (1) Eliminating religious discrimination in mana-
21 gerial, supervisory, administrative, clerical, and techni-
22 cal jobs and significantly increasing the representation
23 in such jobs of individuals from underrepresented reli-
24 gious groups.

1 (2) Providing adequate security for the protection
2 of minority employees at the workplace.

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

5 (4) Advertising publicly all job openings and un-
6 dertaking special recruitment efforts to attract appli-
7 cants from underrepresented religious groups.

8 (5) Establishing layoff, recall, and termination
9 procedures which do not favor particular religious
10 groupings.

11 (6) Providing equal employment for all employees,
12 including implementing equal and nondiscriminatory
13 terms and conditions of employment for all employees,
14 and abolishing job reservations, apprenticeship restric-
15 tions, and differential employment criteria, which dis-
16 criminate on the basis of religion or ethnic origin.

17 (7) Developing training programs that will pre-
18 pare substantial numbers of minority employees for
19 managerial, supervisory, administrative, clerical, and
20 technical jobs, including—

21 (A) expanding existing programs and forming
22 new programs to train, upgrade, and improve the
23 skills of all categories of minority employees;

1 (B) creating on-the-job training programs and
2 facilities to assist minority employees to advance
3 to higher paying jobs requiring greater skills; and

4 (C) establishing and expanding programs to
5 enable minority employees to further their educa-
6 tion and skills at recognized education facilities.

7 (8) Establishing procedures to assess, identify, and
8 actively recruit minority individuals with potential for
9 further advancement, and identifying those minority in-
10 dividuals who have high management potential and en-
11 rolling them in accelerated management programs.

12 (9) Appointing a senior management staff member
13 to oversee the United States person's compliance with
14 the principles described in this section.

15 SEC. 6. WAIVER OF PROVISIONS.

16 In any case in which the President determines that com-
17 pliance by a United States person with the provisions of this
18 Act would harm the national security of the United States,
19 the President may waive those provisions with respect to
20 that United States person. The President shall publish in the
21 Federal Register each waiver granted under this section and
22 shall submit to the Congress a justification for granting each
23 such waiver. Any such waiver shall become effective at the
24 end of 90 days after the date on which the justification is
25 submitted to the Congress unless the Congress, within that

1 90-day period, adopts a joint resolution disapproving the
2 waiver. In the computation of such 90-day period, there shall
3 be excluded the days on which either House of Congress is
4 not in session because of an adjournment of more than three
5 days to a day certain or because of an adjournment of the
6 Congress sine die.

7 (b) CONSIDERATION OF RESOLUTIONS.—

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

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

18 SEC. 7. DEFINITIONS AND PRESUMPTIONS.

19 (a) DEFINITIONS.—For the purposes 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 establish-
23 ment of any foreign concern);

24 (2) the term “Secretary” means the Secretary of
25 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 en-
6 terprise in Northern Ireland if—

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

11 (2) the United States person beneficially owns or
12 controls (whether directly or indirectly) 25 percent or
13 more of the voting securities of the corporation, part-
14 nership, or enterprise, if no other person owns or con-
15 trols (whether directly or indirectly) an equal or larger
16 percentage;

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

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

1 (5) the United States person has authority to ap-
2 point the majority of the members of the board of di-
3 rectors of the corporation, partnership, or enterprise; or

4 (6) the United States person has authority to ap-
5 point the chief operating officer of the corporation,
6 partnership, or enterprise.

7 SEC. 8. EFFECTIVE DATE.

8 This Act shall take effect 6 months after the date of
9 enactment of this Act.

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