

Prohibiting Certain Transactions With Respect to Haiti

Executive Order 12779 of October 28, 1991

56 FR 55975

October 30, 1991

TEXT:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code, and in view of Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States on October 8, 1991, and in order to take additional steps with respect to the national emergency declared in Executive Order No. 12775 of October 4, 1991,

I, GEORGE BUSH, President of the United States of America, find that the grave

events in the Republic of Haiti that are continuing to disrupt the legitimate exercise of power by the democratically elected government of that country continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby order:

Section 1. Except to the extent provided in regulations, orders, directives, or licenses which may hereafter be issued pursuant to this order, all property and interests in property of the Government of Haiti, its agencies, instrumentalities and controlled entities, including the Banque de la Republique d'Haiti, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked.

Section 2. Except to the extent provided in regulations, orders, directives, or licenses which may hereafter be issued pursuant to this order:

(a) Any direct or indirect payments or transfers to the de facto regime in Haiti of funds, including currency, cash, or coins of any nation, or of other financial or investment assets or credits, by any United States person, or by any person organized under the laws of Haiti and owned or controlled by a

United States person, are prohibited. All transfers or payments owed to the Government of Haiti shall be made when due into an account at the Federal Reserve Bank of New York, or as otherwise may be directed by the Secretary of the Treasury, to be held for the benefit of the Haitian people.

(b) Except as provided in subsection (d) of this section, the importation into the United States of any goods of Haitian origin, other than publications and other informational materials, or of services performed in Haiti, is prohibited.

(c) The exportation from the United States to Haiti, directly or indirectly, of any goods, technology (including technical data or other information controlled for export pursuant to the Export Administration Regulations, 15 C.F.R. Parts 768 et seq.), or services other than (i) publications and other informational materials; (ii) donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies; and (iii) rice, beans, sugar, wheat flour, and cooking oil, is prohibited.

(d) For a period of 30 days from the effective date of this order, goods containing parts or materials exported from the United States prior to the effective date of this order may be imported into the United States following

assembly or processing in Haiti.

Section 3. For the purposes of this order:

(a) The term "de facto regime in Haiti" means those who seized power illegally from the democratically elected government of President Jean-Bertrand Aristide on September 30, 1991, and includes any persons, agencies, instrumentalities, or entities purporting to act on behalf of the de facto regime in Haiti, or under the asserted authority thereof, or any extraconstitutional successor thereto.

(b) The term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.

(c) The term "goods of Haitian origin" means goods grown, produced, manufactured, extracted, or processed in Haiti, or which have entered into Haitian commerce.

Section 4. The measures taken pursuant to this order are not intended to block

private Haitian assets subject to the jurisdiction of the United States, or to prohibit remittances by United States persons to Haitian persons other than the de facto regime in Haiti.

Section 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by the International Emergency Economic Powers Act, as may be necessary to carry out the purposes of this order. Such actions may include prohibiting or regulating payments or transfers of any property, or any transactions involving the transfer of anything of economic value, by any United States person to the de facto regime in Haiti; or prohibiting or regulating the provision of transportation between the United States and Haiti by any vessel or aircraft. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, all agencies of which are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the date of this order.

Section 6. Unless otherwise specified, this order shall be effective as of

11:59 p.m., eastern standard time, November 5, 1991. Sections 1 and 2(a) of this order became effective at 12:23 p.m. on October 4, 1991, pursuant to Executive Order No. 12775.

Section 7. Nothing contained in this order shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies or its officers, or the Federal Reserve Bank of New York or its officers.

Section 8. Executive Order No. 12775 of October 4, 1991, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken pursuant to Executive Order No. 12775 and not revoked administratively shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12775 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action pursuant to that order during the period that such provision of that order was in effect.

This order shall be transmitted to the Congress and published in the Federal Register.

/ George Bush

THE WHITE HOUSE,

October 28, 1991.

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