

**FEDERAL RESERVE BANK
OF NEW YORK**

Fiscal Agent of the United States

AT-10657
September 14, 1993

**HAITIAN TRANSACTIONS REGULATIONS
Suspension of Certain Trade Restrictions**

*To All Banks, and Others Concerned,
in the Second Federal Reserve District:*

Printed on the reverse side of this letter is an excerpt from the *Federal Register* of September 2 amending the Haitian Transactions Regulations (31 CFR Part 580), issued by the Office of Foreign Assets Control of the Department of the Treasury ("OFAC"). As indicated in the notice, (a) restrictions have been suspended on certain transactions with Haiti that arise after August 31, 1993, (b) property of the Government of Haiti that was blocked as of August 31, 1993 remains blocked, and (c) all blocked property of the Banque de l'Union Haitienne, and of all individuals listed in Section I of Appendix A to the Regulations, is unblocked.

Questions regarding this notice should be directed to OFAC (Tel. No. 202-622-2420).

GEORGE W. RYAN,
Vice President.

(OVER)

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final Rule; amendment.

SUMMARY: Consistent with United Nations Security Council Resolution 861 of August 27, 1993, and the August 27, 1993 announcement of the Secretary General of the Organization of American States, the Treasury Department is amending the Haitian Transactions Regulations to suspend U.S. sanctions against Haiti. The rule prospectively suspends trade restrictions against Haiti and authorizes new financial and other transactions with the Government of Haiti. It does not unblock property of the Government of Haiti that was blocked on or before August 31, 1993 at 9:35 a.m., e.d.t., nor does it affect enforcement actions involving prior violations of the Regulations. Blocked property of the Government of Haiti will be unblocked by specific license on a case-by-case basis. However, all blocked property of the Banque de l'Union Haitienne, and of all individuals previously listed in Appendix A to the Regulations, is unblocked.

EFFECTIVE DATE: August 31, 1993 at 9:35 a.m., e.d.t.

FOR FURTHER INFORMATION CONTACT: John T. Roth, Chief of Policy Programming (tel: 202/622-2500), Steven I. Pinter, Chief of Licensing (tel.: 202/622-2480), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: The Haitian Transactions Regulations, 31 CFR Part 580 (the "Regulations"), were issued by the Treasury Department to implement Executive Order Nos. 12775 (56 FR 50641, October 7, 1991) and 12779 (56 FR 55975, October 30, 1991), declaring a national emergency with respect to Haiti under the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), and ordering specific measures against the *de facto* regime in Haiti.

Consistent with United Nations Security Council Resolution 861 of August 27, 1993, and the August 27, 1993 announcement of the Secretary General of the Organization of American States, the Office of Foreign Assets Control ("FAC") is amending the Regulations to add § 580.518,

authorizing trade transactions with Haiti and transactions involving property in which the Government of Haiti has an interest, where those transactions arise after August 31, 1993. The effect of this amendment is that transactions involving property interests of the Government of Haiti that come within the United States or into the possession or control of United States persons after August 31, 1993, or in which an interest of the Government of Haiti arises thereafter, are no longer prohibited. Newly authorized transactions include, but are not limited to, otherwise lawful exportations to and importations from Haiti, brokering transactions, and transfers of funds to the Government of Haiti for obligations due and payable after August 31, 1993.

Section 580.518 further provides that property of the Government of Haiti blocked as of August 31, 1993, remains blocked. Such property will be unblocked by specific license on a case-by-case basis. All previously blocked property of the following, however, is unblocked: (1) All individuals previously listed in Section I of Appendix A to Part 580; and (2) Banque de l'Union Haitienne, S.A.

Treasury is also amending Appendix A to this part to remove all individuals and one private entity from the list of blocked persons of the *de facto* regime in Haiti.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of Subjects in 31 CFR Part 580

Blocking of assets, Exports, Haiti, Imports, Specially designated nationals, Transfers of assets.

For the reasons set forth in the preamble, 31 CFR part 580 is amended as set forth below:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 580 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; E.O. 12775, 56 FR 50641, 3 CFR, 1991 Comp., p. 349; E.O. 12779, 56 FR 55975, 3 CFR, 1991 Comp., p. 367; E.O. 12853, 58 FR 35843, July 2, 1993.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

2. Section 580.518 is added to subpart E to read as follows:

§ 580.518 Authorization of new transactions; suspension of certain prohibitions.

(a) Except as provided in paragraph (b) of this section, the prohibitions contained in §§ 580.201, 580.202, 580.204, 580.205, 580.206, 580.208, and 580.211 do not apply to any transaction occurring after August 31, 1993 at 9:35 a.m., e.d.t.

(b) Unless otherwise authorized by the Office of Foreign Assets Control, all property and interests in property of the Government of Haiti that were blocked on or before August 31, 1993 at 9:35 a.m., e.d.t., remain blocked.

(c) All property and interests in property of the following are unblocked:

- (1) All individuals previously listed in Section I of Appendix A to this part — "Blocked Individuals of the De Facto Regime in Haiti"; and
- (2) Banque de l'Union Haitienne, S.A.

Appendix A to Part 580—Blocked Persons of the De Facto Regime in Haiti

3. Section I of Appendix A to Part 580—"Blocked Individuals of the De Facto Regime in Haiti"—is removed and reserved.

4. Section II of Appendix A to Part 580—"Blocked Entities of the De Facto Regime in Haiti"—is amended to remove the entry "Banque de l'Union Haitienne, S.A. (a.k.a. BUIH), Angle rues Du Quae et Bonne Foi, Boite Postale 275, Port-au-Prince, Haiti."

Dated: August 30, 1993.

R. Richard Newcomb,
Director, Office of Foreign Assets Control.

Approved: August 30, 1993.

Ronald K. Noble,
Assistant Secretary for Enforcement.
[FR Doc. 93-21536 Filed 8-31-93; 9:35 am]

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