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Presidential Documents

Title 3—

The President

Executive Order 12588 of March 18, 1987

Action Against Certain Assets of Disputed Title

By the authority vested in me as President by the Constitution and laws of the United States, including section 204 of the Special Foreign Assistance Act of 1986 (Public Law 99–529) and section 301 of Title 3 of the United States Code, and for the limited purpose of preserving the status quo pending a judicial resolution of the proceedings that have been or may be instituted by the Government of Haiti in its efforts to recover assets allegedly stolen by its former President, Jean Claude Duvalier, and his associates, and without expressing any opinion as to the merits of any claim or defense in any judicial proceeding, it is hereby ordered as follows:

Section 1. The acquisition, transfer (including transfer on the books of any issuer, holder, or depositary), payment, disposition, transportation, exportation, or withdrawal of, or the recording of interest in or ownership of, or any deed of title, mortgage, or other evidence of ownership or title regarding or dealing in, any real or personal property, of any kind whatsoever, located in the United States and described in Section 2 of this Order is prohibited unless expressly authorized by the Secretary of the Treasury under such terms and conditions as he may prescribe.

Sec. 2. Property will be considered to fall within the scope of this Order and to be subject to the prohibition contained in Section 1 when:

(a) The Government of Haiti certifies, in writing with appropriate documentation, to the Secretary of the Treasury that:

(1) it has initiated litigation in the Federal or State courts of the United States alleging that the Government of Haiti or its instrumentalities should be awarded title to, custody of, or possession of, the property;

(2) it has evidence reasonably to believe that such property currently is held or possessed by or in the name of Jean Claude Duvalier or other individuals associated with the Duvalier regime, or a taker from Jean Claude Duvalier or his associates;

(3) it has petitioned the court to attach or otherwise restrain the property and has reason to believe that the court would grant such petition were the Government of Haiti to post adequate bond; and

(4) it is unable, without outside assistance, to post the necessary security because of lack of assets;

(b) The Department of Treasury gives notice to the holder of the property that such property falls within the scope of this Order and, in consultation with the Departments of State and Justice, has not determined that an insufficient basis exists for the certification by the Government of Haiti; and

(c) The court which the Government of Haiti has petitioned to attach or otherwise restrain the property has not denied such petition on grounds other than the failure of the Government of Haiti to post adequate bond.

Sec. 3. Upon the entry of final judgment and after exhaustion of any appeals that might be taken, as well as satisfaction of any judgment, in any action in which the property described in Section 2 was sought, the property shall no longer be subject to the prohibition contained in Section 1 of this Order.

Sec. 4. 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, as may be necessary to carry out the purposes of this Order.

Sec. 5. This Order is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

Sec. 6. This Order is effective immediately.

Ronald Reagan

THE WHITE HOUSE,
March 18, 1987.

[FR Doc. 87-6235
Filed 3-18-87; 4:56 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12589 of March 18, 1987

Transfer of Annual and Sick Leave of Federal Employees

By the authority vested in me as President by the Constitution and laws of the United States of America, including Title VII, Section 701(d) of the Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes, as contained in Section 101(m) of Public Laws 99–500 and 99–591, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management is hereby delegated authority to prepare and submit to the Congress a report concerning the desirability, feasibility, and cost, if any, of permitting Federal employees voluntarily to donate annual and sick leave for the use of other Federal employees who need such leave for medical or family emergency or other hardship situations.

Sec. 2. The authority of the President to prescribe regulations under Section 701(d)(1) of Public Law 99–500 and Section 701(d)(1) of Public Law 99–591, governing a temporary program for the transfer of unused accrued leave in not more than three cases, is hereby delegated to the Director of the Office of Personnel Management.

Ronald Reagan

THE WHITE HOUSE,
March 18, 1987.

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