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Chapter 43—Public Lands

Executive Order 10967—Administration of Palmyra Island

SOURCE: The provisions of Executive Order 10967 of Oct. 10, 1961, appear at 26 FR 967, 3 CFR, 1959-1963 Comp., p. 490, unless otherwise noted.

By virtue of the authority vested in me by section 46 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior shall be responsible for the administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 2. The executive, legislative, and judicial authority provided for in section 1 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, through such officers or employees of the United States not under administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. The Secretary of the Interior may confer upon the United States District Court for the District of Hawaii such jurisdiction, in addition to that contained in the Act of June 15, 1950, and such judicial functions and duties, as he may deem appropriate for the civil administration of Palmyra Island.

SEC. 4. The foregoing provisions of this order shall continue in force until such earlier time as the President may specify.

SEC. 5. As used herein, the term "Palmyra Island" means the place of the same name, consisting of a group of islets located in the Pacific Ocean approximately at Latitude 5° 52' North and Longitude 162° 06' West, and includes the territorial waters of that place and includes also the land surrounding that place or any part thereof.

SEC. 6. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 7. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal proceedings arising under the provisions of the Act of June 15, 1950, or under the provisions of section 3 of this order.

Executive Order 11021—Administration of the Trust Territory of the Pacific Islands by the Secretary of the Interior

The provisions of Executive Order 11021 of May 7, 1962, appear at 27 FR 11021, 3 CFR, 1959-1963 Comp., p. 600, unless otherwise noted.

Codification of Presidential Proclamations and Executive Orders

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by mean of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except the Island of Rota and the Secretary of the Interior is responsible for the civil administration of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory;

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

SECTION 1. *Responsibility of Secretary of the Interior.* The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative, and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: *Provided however,* That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further,* That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

SEC. 2. *Redelegation of authority.* The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such officers or employees of the Department of the Interior,

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or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize, except that the Secretary may, with the approval of the Secretary of the Treasury, delegate to the Secretary of the Treasury so much of this authority as is necessary to effectuate the purposes of Section 606(A) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241, 90 Stat. 263, 48 U.S.C. 1681 note), which authority is to be exercised in such manner as shall be agreed upon by the Secretary of the Interior and the Secretary of the Treasury.

[Sec. 2 amended by EO 11944 of Oct. 25, 1976, 41 FR 47215, 3 CFR, 1976 Comp., p. 156]

SEC. 3. *Cooperation with Department of the Interior.* The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

SEC. 4. *Prior orders.* To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded:

- (1) Executive Order No. 10265 of June 29, 1951.
- (2) Executive Order No. 10408 of November 10, 1952.
- (3) Executive Order No. 10470 of July 17, 1953.

SEC. 5. *Saving provisions.* (a) Existing laws, regulations, orders, appointments, or other acts promulgated, made, or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect immediately prior to the effective date of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligation of the United States under the provisions of the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

SEC. 6. *Effective date.* The provisions of this order shall become effective on July 1, 1962.

Executive Order 11200—Providing for establishing user fees pursuant to the Land and Water Conservation Fund Act of 1965

Source: The provisions of Executive Order 11200 of Feb. 26, 1965, appear at 30 FR 2445, 3 CFR, 1964-1965 Comp., p. 282, unless otherwise noted.

WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport

EXECUTIVE ORDER 10468

APPOINTMENT OF WILLIAM C. STRAND,
DIRECTOR, OFFICE OF TERRITORIES,
DEPARTMENT OF THE INTERIOR, AS AD-
MINISTRATOR OF THE PUERTO RICO RE-
CONSTRUCTION ADMINISTRATION

By virtue of the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 118), and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint William C. Strand, Director, Office of Territories, Department of the Interior, as Administrator of the Puerto Rico Reconstruction Administration, vice James P. Davis, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935, No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937, and No. 7689 of August 12, 1937.

The said Executive orders are hereby amended accordingly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 7, 1953.

EXECUTIVE ORDER 10469

AMENDING THE SELECTIVE SERVICE
REGULATIONS

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10292¹ of September 25, 1951, No. 10363² of June 17, 1952, and No. 10420³ of December 17, 1952, and constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Paragraph (a) of § 1622.30 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

¹ 3 CFR, 1951 Supp., p. 480.

² 3 CFR, 1952 Supp., p. 82.

³ 3 CFR, 1952 Supp., p. 117.

(a) In Class III-A shall be placed any registrant who prior to August 25, 1953, has submitted evidence to the local board which establishes to the satisfaction of the local board that he has a child or children with whom he maintains a bona fide family relationship in their home. Such a registrant shall remain eligible for Class III-A so long as he maintains a bona fide family relationship with such child or children in their home.

2. Subparagraph (2) of paragraph (c) of § 1622.30 is amended to read as follows:

(2) No registrant shall be placed in Class III-A under paragraph (a) of this section because he has a child which is not yet born unless prior to August 25, 1953, and prior to the time the local board mails him an order to report for induction which is not subsequently cancelled for a reason not related to the filing of the certificate hereinafter mentioned, there is filed with the local board the certificate of a licensed physician stating that the child has been conceived, the probable date of its delivery, and the evidence upon which his positive diagnosis of pregnancy is based.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 11, 1953.

EXECUTIVE ORDER 10470

AMENDING EXECUTIVE ORDER No. 10408,¹
TRANSFERRING THE ADMINISTRATION OF A
CERTAIN PORTION OF THE TRUST TERRI-
TORY OF THE PACIFIC ISLANDS FROM THE
SECRETARY OF THE INTERIOR TO THE SEC-
RETARY OF THE NAVY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Executive Order No. 10408 of November 10, 1952, transferring the administration of that portion of the Trust Territory of the Pacific Islands which includes the islands of Tinian and Saipan from the Secretary of the Interior to the Secretary of the Navy, is hereby amended to provide that that portion of the Trust Territory of the Pacific Islands over which administration is transferred from the Secretary of the Interior to the Secretary of the Navy shall include all of the Northern Mariana Islands of the Trust Territory of the Pacific Islands except the Island of Rota.

¹ 17 F. R. 10277; 3 CFR, 1952 Supp., p. 110.

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of June 29, 1951, shall be superseded by the provisions of this order as of the date set out in the paragraph numbered 1, above.

HARRY S. TRUMAN

THE WHITE HOUSE,

November 10, 1952.

EXECUTIVE ORDER 10409

AWARD OF THE PURPLE HEART TO PERSONS SERVING WITH THE NAVY, MARINE CORPS, OR COAST GUARD OF THE UNITED STATES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy shall award the Purple Heart, in the name of the President of the United States, to any person who while serving in any capacity with the Navy, Marine Corps, or Coast Guard of the United States has been, or may hereafter be, wounded (a) in any action against an enemy of the United States, (b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are engaged, or (c) as the result of an act of any such enemy or opposing armed force.

2. The Secretary of the Navy shall award the Purple Heart posthumously, in the name of the President of the United States, to any person who while serving in any capacity with the Navy, Marine Corps, or Coast Guard of the United States after April 5, 1917, has been, or may hereafter be, killed, or who has died or may hereafter die subsequent to being wounded, (a) in any action against an enemy of the United States, (b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are engaged, or (c) as the result of an act of any such enemy or opposing armed force.

3. The wound for which the award is made must have required treatment by a medical officer.

4. The Purple Heart shall be forwarded to the nearest of kin of any person entitled to the posthumous award, regardless of whether a previous award has been made to such person, except that if the award results from service prior to December 7, 1941, the Purple Heart shall be forwarded to such

nearest of kin upon his application therefor to the Secretary of the Navy.

5. Except as authorized in paragraph 4 hereof, no more than one Purple Heart shall be awarded to any one person, but for each subsequent justification for such an award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations.

6. If so authorized by the Secretary of the Navy, the award of the Purple Heart may be made by the Commander in Chief of a fleet, or by such other appropriate officer or officers as the Secretary of the Navy may designate.

7. The Secretary of the Navy may issue such regulations as he may deem appropriate to effectuate the purposes of this order. The regulations of the Secretary of the Navy and the regulations of the Secretary of the Army and the Secretary of the Air Force with respect to the award of the Purple Heart shall, so far as practicable, be of uniform application, and shall be subject to the approval of the Secretary of Defense.

8. This order shall supersede Executive Order No. 9277 of December 3, 1942, entitled "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps or Coast Guard of the United States", but existing regulations issued pursuant to that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations issued by the Secretary of the Navy pursuant to this order.

HARRY S. TRUMAN

THE WHITE HOUSE,

November 12, 1952.

EXECUTIVE ORDER 10410

SPECIFICATION OF LAWS FROM WHICH THE ESCAPEE PROGRAM ADMINISTERED BY THE DEPARTMENT OF STATE SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146), it is hereby determined that the performance of functions with respect to the escapee program, authorized by section 101 (a) (1) of the Mutual Security Act of 1951, as amended, and administered by the Department of

3 CFR, 1943 Cum. Supp.

of Congress or an Executive order, who in the performance of their duties are supervised and directed by a federal officer, but the term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the federal government, whether their status is civilian or in the Armed Forces of the United States, who are not performing active service, or persons receiving remuneration for services on a contract-fee basis.

(d) The term "regular place of federal employment" means the place where an employee actually performs his services, irrespective of his residence, except when such services are performed in a travel or temporary duty status, in which case his "regular place of federal employment" will be the place to which he will normally be expected to proceed for the purpose of performing further services in connection with his federal employment on the termination of travel or temporary duty status.

7. I hereby delegate to the Secretary of the Treasury authority to prescribe such rules and regulations not inconsistent herewith as may be necessary further to effectuate the provisions of the act of July 17, 1952, or of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 6, 1952.

EXECUTIVE ORDER 10408

TRANSFER OF THE ADMINISTRATION OF THE PORTION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS WHICH INCLUDES THE ISLANDS OF TINIAN AND SAIPAN FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF THE NAVY

WHEREAS the administration of the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was transferred to the Secretary of the Interior by Executive Order No. 10265 of June 29, 1951;¹ and

WHEREAS the purposes of the trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, can better be effectuated by placing in the Secretary of the Navy the authority and responsibility for the administration of that portion of the trust territory which includes the islands of Tinian and Saipan:

¹ 3 CFR, 1951 Supp., p. 448

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of that portion of the trust territory which includes the islands of Tinian and Saipan is hereby transferred from the Secretary of the Interior to the Secretary of the Navy, such transfer to become effective on January 1, 1953.

2. When the transfer of administration made by this order becomes effective, the Secretary of the Navy shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in that portion of the trust territory which includes the islands of Tinian and Saipan and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: *Provided, however*, That the authority to specify parts or all of either of such islands as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further*, That the Secretary of the Navy shall keep the Secretary of State currently informed of activities on such islands affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning such islands which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to such islands shall be conducted through the Secretary of State.

3. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

4. To the extent that they pertain to the islands of Tinian and Saipan, the provisions of Executive Order No. 10265

EXECUTIVE ORDER 10465**SUSPENSION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947, AS AMENDED, WHICH RELATE TO OFFICERS OF THE MARINE CORPS**

By virtue of the authority vested in me by section 426 (c) of the Officer Personnel Act of 1947, as amended by section 1 (h) of the act of June 30, 1951, 65 Stat. 109, it is ordered as follows:

1. The operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the distribution in grades, promotion by selection, temporary promotion, and discharge on second failure of selection for promotion, of officers of the Marine Corps of the grades of major, captain, first lieutenant, and second lieutenant is hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914¹ of December 16, 1950, shall end.

2. This order supersedes Executive Order No. 10365² of June 24, 1952.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 30, 1953.

EXECUTIVE ORDER 10466**CONTINUING IN EFFECT CERTAIN APPOINTMENTS AS COMMISSIONED OFFICERS AND WARRANT OFFICERS OF THE ARMY AND OF THE AIR FORCE**

By virtue of the authority vested in me by the act of May 27, 1953, 67 Stat. 38 (Public Law 39, 83d Congress), I hereby continue in effect until the release from active duty of the persons concerned all appointments as commissioned officers and as warrant officers of the Army and of the Air Force of persons on active duty on July 1, 1953, who are determined, as provided in the Missing Persons Act (56 Stat. 143), as amended, to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged at any time after June 25, 1950, and before the termination of the national emergency proclaimed on December 16, 1950, by Proclamation No. 2914,¹ which were made under the following provisions of law and which would other-

¹ 3 CFR, 1950 Supp., p. 71.

² 3 CFR, 1952 Supp., p. 85.

wise terminate after June 30, 1953, and before the release from active duty of the persons concerned:

1. Sections 37 and 38 of the act of June 3, 1916, ch. 134, 39 Stat. 189, 190, as amended (10 U. S. C. 358, 32 U. S. C. 19), and section 127a of that act as added by the act of June 4, 1920, ch. 227, 41 Stat. 785, as amended (10 U. S. C. 513).

2. Section 515 (e) of the act of August 7, 1947, ch. 512, 61 Stat. 907 (10 U. S. C. 506d (e)).

3. Section 3 of the act of August 21, 1941, ch. 384, 55 Stat. 652, as amended (10 U. S. C. 591a).

This order shall become effective on July 1, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 30, 1953.

EXECUTIVE ORDER 10467**FURTHER PROVIDING FOR THE ADMINISTRATION OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED**

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. All existing Executive orders delegating functions vested in the President by the Defense Production Act of 1950, as amended, and otherwise providing for carrying out functions authorized by the said Act shall, until further order of the President, remain in full force and effect with respect to such of the said functions as are continued by the Defense Production Act Amendments of 1953.

SEC. 2. The functions under the Defense Production Act of 1950, as amended, heretofore delegated to the Director of the Office of Defense Mobilization shall be deemed to include the authority to make the findings required by section 101 (b) of the said Act as amended by the Defense Production Act Amendments of 1953.

SEC. 3. This order shall become effective on July 1, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 30, 1953.